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HISTORY

OF

MASSACHUSETTS,

FOR TWO HUNDRED YEARS:

FROM THE YEAR 1620 TO 1820.

---

BY ALDEN BRADFORD,

An Original Member of the Massachusetts Historical Society, and  
Honorary Member of the Historical Society of New York.

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## ADVERTISEMENT.

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THERE are now extant several volumes of the History of Massachusetts, embracing different periods, and making, indeed, a connected series of events, from the first settlement to the beginning of the present century. But, in the form in which they were published, they are too expensive for general circulation: and yet it may be assumed, that the people, generally, are desirous of being well acquainted with the history of their own state. The volumes, now before the public, contain many state papers, which, though useful to the legislator and the antiquarian, are not necessary, *in extenso*, for the common reader. A much more concise statement will give all which is important; and thus save many pages, and the history still be complete. It has not been the object of the writer of this volume, however, to present a mere chronological statement of facts and events. Such remarks have been made as were believed proper to explain important transactions, and to illustrate, as well individual characters, as the condition and opinions of the age. How far he has succeeded in this design, the public must decide. The work, on this plan, was suggested by a literary and intelligent friend; in the belief, that a full but condensed narrative was wanted, to meet the wishes of the great body of the people.

The writer proposes, if the present volume should be acceptable, to prepare an abridgment of it, for the use of academies and schools in the commonwealth.



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# HISTORY OF MASSACHUSETTS.

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Discovery of North America—Causes of Emigrating to America—Character and Adventures of the Plymouth Pilgrims—Claim to America by Kings of England—Patents and Grants—The Native Indians—Civil Compact at Cape Cod—Settlement of Wessaguscus and Mount Wollaston—Morton, Lyford, Oldham, Conant, Blaxton, Cape Ann, Salem, Endicott, Charlestown, Sprague—Arrivals in 1629—Higginson, Skelton—Salem Church—Opinions of the Errors of Church of England—Buildings at Salem—State and Number of Indians—Arrival of Winthrop and Company at Charlestown, Johnson at Boston, Saltonstall at Watertown, Pynchon at Roxbury, Wilson and Phillips, Warham and Maverick—Settlement of Boston—Tax on the several Plantations—Death of Johnson—Eminent Females—Friendly Connexion with Plymouth—Patent, Formation of Company in England—First Court of Governor and Assistants at Charlestown—Church Government—Purchases of Indians—Fortified Town—Early Sickness in the Colony—Execution for Murder in Plymouth—Power and Influence of Clergy, of Assistants and Freemen—First Vessel built by Gov. Winthrop—Tax on the Colony and Committees, or Deputies—Watertown objects—Dudley Governor—A few Disaffected—Character of First Settlers, and love of Liberty.

IN 1497, about four years and a half after Columbus first discovered the West India Islands, and before he visited the Continent, John and Sebastian Cabot sailed from England, and made the coasts of North America, in latitude 45 north. They proceeded northward to the 60th degree, and south to the 38th. But it is not certain that they landed on, or discovered any part of the country included in what is now Massachusetts.\* Bartholomew Gosnold was, probably, the first

\* According to Ramusio, Cabot stated, "that, having proceeded as far north as 56° under the pole, and despairing of finding a passage, (to India,) he turned back to search for the same towards the equinoctial, always with a view of finding a passage to India, and at last reached the country called Florida." This was Sebastian Cabot, and in his second voyage, 1498. And he might have entered some bays on the coast.

European who landed on its coasts, which was in the year 1602. He visited the Elizabeth Islands, in Buzzard's Bay, and the Vineyard, and probably, also, the main land, which is within the limits of the present town of Dartmouth. The whole country, from Florida to Newfoundland, was then known by the name of Virginia; and the part still so called was first settled by the English in 1585. At first, Gosnold proposed a permanent settlement on these islands; but his men soon became dissatisfied with the plan, and he returned to England the same year. In this voyage, Gosnold also discovered the southeastern parts of Cape Cod.

In the Spring of 1603, Martin Pring and William Brown, under the direction and by the permission of Sir Walter Raleigh, in two vessels, one of fifty tons, and one of twenty-six, with thirty men in the largest, and thirteen in the smaller, fell in with the coasts of North Virginia, in latitude 43; and thence, sailing south, visited Cape Cod, and passed round it to latitude 41, where they landed and remained several weeks, in the month of June, and then returned to England.

Captain George Weymouth was employed by Lord Arundel to visit North Virginia in 1605, who discovered the coast in latitude 41. 30. And Henry Challons was sent out soon after to make discoveries, but was attacked by the Spaniards, and his vessel and property confiscated. Afterwards, in 1614, Captain John Smith, whose exploits in Virginia have been often celebrated, and who had been a great traveller in the extreme eastern parts of Europe, sailed along the coasts of Massachusetts, and made more discoveries of the islands and harbors than any one had done before. On his return, soon after, and at his suggestion, the name of New England was given to this part of the country, hitherto called North Virginia, by the Prince of Wales, afterwards Charles I. king of Great Britain. There is no proof, however, that Smith entered many of the harbors, in this voyage.

Four years later Thomas Dermer was sent to the coasts of New England, by Sir Ferdinando Gorges, in a ship of two hundred tons; and with him, Squanto, (or Tisquantum,) an Indian native of the country, who had been decoyed and carried to England by one Hunt, formerly in the employment of Captain Smith. It is probable, that in his second voyage, in 1619, Captain Dermer visited Boston and Plymouth harbors. The country was then thinly inhabited; it being only two or three years after the prevalence of a very mortal disease among the natives.

The great design of these voyages was the acquisition of

wealth and territory ; but it was also an object, from the first, to find a fit place for a colony of Englishmen, for the propagation of the gospel among the ignorant and debased aboriginal inhabitants. And in this benevolent plan, the members of the Episcopal Church were the principal, if not the sole, actors. Afterwards, indeed, when the first permanent settlements were made, particularly in New England, the enterprise was projected and accomplished by the puritans, dissenters from episcopacy, on account of alleged corruptions and usurpations by the hierarchy and its friends, and of the imposition of unscriptural forms and ceremonies on the members of the church.

The most serious objections of the puritans and dissenters were to the different orders of ministers and officers in the church, with greater or less powers ; to the luxury of the higher grades of the clergy ; to the claims set up to impose any rites and forms they should choose to prescribe, whether required by Christ and his Apostles, or not ; and to the alliance of the church with the civil power of the state.\* For these objections, and their consequent refusal to comply with unscriptural forms and ceremonies, which were justly considered of merely human authority, the puritans were grievously oppressed and persecuted, fined and imprisoned ; which led them to look for some foreign land, where they might live in the quiet enjoyment of their rights, as disciples of Christ, their inspired master ;† and where they might also find a residence for their posterity, free from ecclesiastical domination, and unchristian forms of worship. They had also a strong desire to be instrumental in diffusing a knowledge of the gospel among the unhappy pagans of America. This, in truth, was scarcely a secondary object with them ; nor did they afterwards omit any efforts to accomplish this benevolent purpose.

The men, to whom reference is now made, were also distinguished for their regard to the interests of civil liberty. While struggling for their christian privileges, and examining the foundation of religious liberty, they perceived the benefits of political freedom, and soon became eminent for their zeal in its support. One, who was an apologist for high monarchical

\* See note A of Appendix.

† Though less tolerant than the celebrated *Mr. Locke*, who lived at a subsequent and more enlightened period, they possessed the strong love of religious truth which he manifested, when he said, "that he should take his religion from the Bible, let it agree with what sect it might ; for it would be inquired of him at the last day, not whether he had been of the Church of England, or of Geneva, but whether he had sought and embraced the truth." This was the principle of the dissenters from the established church in England, though they would tolerate none who differed from them.

principles, acknowledged, "that the spark of civil liberty, during the reign of the Stuarts, was kept alive chiefly by those who were called puritans in the church."

So sincere and powerful was the attachment of these men to religious liberty, that they made great sacrifices of property, and endured sufferings and persecutions several years, for their conscientious non-conformity; and many of them, particularly those, who afterwards were the first settlers of Plymouth colony, leaving their native country, removed to Holland in 1607, and in several following years, residing first at Amsterdam, and afterwards at Leyden. They remained in Holland till 1620, when a portion of them embarked for America; and landing on Cape Cod in November, soon after (December 22d) made a permanent settlement at Patuxet, since called Plymouth. The greater part of the residue emigrated to Plymouth in 1624 and 1628, where, for many years, their privations and sufferings were much more severe than they endured in Holland, or when persecuted in their native land; and yet those were very great, or they would not have subjected themselves to the dangers and distress attending a settlement in the wilderness.

Another and much larger company of English puritans settled at Salem and Charlestown in 1628 and 1629; and Boston, Watertown, Dorchester, and Roxbury, in 1630. These were the first settlements made in New England, which proved to be permanent. A settlement was begun near the mouth of the river Kennebec in 1606-7, but was deserted the following spring. And small settlements were made a few years after Plymouth, at Weymouth and Braintree, which were soon abandoned.

The first settlement at Plymouth numbered one hundred and one, consisting of men, women and children; but, by their great privations and exposure, they suffered severe sickness, and nearly one half of the company died within five months after they landed. They endured similar privations and suffering, occasionally, for several years, till they were able to build comfortable houses, and to cultivate the earth with profit. The danger from the savages was long imminent; and their fears, on this account, were a constant diminution of the common enjoyments of life. They found some mitigation for these fears, however, in the friendship of a powerful Sachem, not far distant from their settlement. In 1630, when the colony of Massachusetts Bay dates its origin, as then a large company arrived and settled Charlestown, Boston, and vicinity, the inhabitants of Plymouth were estimated at three hundred. The principal men of the colony were William Bradford, Edward



Winslow, William Brewster, Miles Standish, Isaac Allerton, Thomas Prentice, John Alden, Samuel Fuller, and John Howland; to which may be added, John Carver, the first governor, who died in five months after their landing; and Robert Cushman, who was a short time in the colony, in 1621, but who soon returned to England, and did not again visit America.

William Bradford was Governor of the colony from the Spring of 1621, when Carver died, to 1657, (the year of his death,) except two years, when Edward Winslow was elected to that office, and one, in which Thomas Prentice was called to the chair. It appears by his letters and manuscripts, that he was a man of considerable literary attainments. William Brewster, who sustained the office of elder in the church, and was the oldest of the company, had the benefit of a university education; and was some time in public life in England, during the reign of Elizabeth. Miles Standish was of a noble family, and possessed a high and indomitable spirit. Samuel Fuller was a deacon of the Plymouth church, and a physician of some eminence. He was sent for to Salem in 1629, in a season of great sickness; and to Charlestown in August 1630, to attend the sick, soon after the arrival of the large company, under Governor Winthrop. Isaac Allerton and Stephen Hopkins were men of good estates and numerous families. They, with Brewster, Bradford, Winslow, Standish and Alden, and Shirley, Andrews, Hatherly, Beauchamp, Collier and Thomas, who still remained in England, were the undertakers, and became responsible for the debts of the company. Hatherly, Thomas and Collier, afterwards came over and settled in the colony. Without the aid and accountability of Shirley and Andrews the plantation might have failed, for want of funds and credit. They also assisted in procuring a second charter in 1629, on the discovery of the selfish plans of Pierce, in whose name the first had been issued, though he was only an agent in procuring it.

In July, 1620, some merchants, and other opulent gentlemen in England, were incorporated, by the name of "The Council for the affairs of New England, or North Virginia;" and it was proposed to make a settlement within their patent, and under their protection. But that patent not being definitely settled, the Leyden company resolved to go for some place south of New England, near Hudson River. In this, however, they were deceived. The captain of the Mayflower carried them farther North, and they entered the harbor of Cape Cod. This has been considered a favorable circumstance, though deplored at the time; as the Indians were then numerous in that

part of the country; while the territory about Plymouth and Massachusetts Bay was almost depopulated by a recent mortal sickness.

Before the settlements at Salem and Boston, the people of Plymouth were constantly struggling for existence, and guarding themselves against the hostile attacks of the natives, a sufficient number of whom remained to harass and alarm them. Though Massasoit was friendly, other chiefs on Cape Cod and in Massachusetts were plotting their ruin. But by the prudence and wisdom of Bradford and Winslow, the bravery of Standish, and the religious influence of Brewster, under the protecting providence of God, they survived, they increased and prospered. Though destitute of an ordained minister for several years, their learned and pious elder faithfully performed the duties of spiritual teacher and guide.

Civil authority was also maintained with equal moderation and firmness. On their first arrival, in the harbor of Cape Cod, they formed themselves into a political body, for the maintenance of civil government; and at the same time acknowledged themselves the subjects of the crown of England. They had then no charter from King James, or the English government, to exercise civil and political authority; nor had they, as yet, any patent or grant of the territory, where they landed and proposed to remain. But they knew that their king claimed the country, in right of discovery by the subjects of England; and they had indeed his express promise that they should be unmolested in the enjoyment of their religious opinions and mode of worship. They were fully aware of the necessity of assuming and exercising political powers; and in the compact which they adopted, they declared their great object to be the advancement of the christian religion; and their uniform professions and declarations were to the same effect. This short constitution recognises the equal rights of every member of the company, and implies that the object was the equal benefit of each and all. And their first, as well as future governor, was chosen only for one year. Their language was, "that by this settlement, they hoped the honor of God, of their king and country, would be advanced, without injury to the native inhabitants; that they intended not to take ought but what the Indians were willing to dispose of; not to interfere with them except for the maintenance of peace among them, and the propagation of christianity." The first places settled, after Plymouth, were Duxbury, Marshfield, Scituate, Taunton, Barnstable, Sandwich, Eastham, Rehoboth, Bridgewater, Dartmouth and Swansea.

In the summer of 1622, a settlement was began, at a place called Wessaguscus, now Weymouth, by some English people, under the direction and support of Thomas Weston, an enterprising merchant of London. The number of persons who were of this company has been stated to be upwards of fifty; and two vessels were employed in the enterprise. They were a very different people, in their character and views, from the settlers at Plymouth; and their chief object was gain. Weston had given some aid to the Leyden company, by endeavoring to obtain a patent for them early in 1620, and by promising to furnish vessels and funds for the enterprise; but his aim was mercantile speculation and profit; and they soon found that they could not justly rely on his support.

The people of Weston's company treated the Indians with great injustice, and in their intercourse with them used much deceit and fraud. In their general conduct, as a society, they were indolent, extravagant and immoral. They called on Plymouth for protection against the natives, whom they had provoked by their oppressions and insolence; and Captain Standish was sent to their relief. He slew several of the hostile Indians, who threatened them; and the Governor of Plymouth supplied them with provisions from his scanty stores. The following year they wholly abandoned the settlement.

Another settlement was begun in Massachusetts, in 1625, under Captain Wollaston and one Morton, a lawyer of suspicious character. There were about thirty persons in this company; and they settled on and near an eminence on the South side of Boston Bay, to which they gave the name of Mount Wollaston. The site is within the town of Quincy, and on the farm of the late John Adams, some time President of the United States. Little is recorded of Wollaston; and what has been written of Morton, by his contemporaries, represents him as a man without moral virtue, and destitute alike of honorable and religious principles. There was scarcely the semblance of order and decency in the settlement. They were improvident and immoral themselves; and their intercourse with the Indians served only to corrupt these ignorant beings, or to fit them for inflicting injury on the English settlements. They remained longer than those did who were at Wessaguscus in 1622; and their irregular conduct frequently called for the interference of the people of Plymouth and of Salem; but the leaders and most of the company had dispersed before the arrival of Winthrop and others in 1630.

One Thompson, a Scotchman, who had passed a year at Piscataway River, settled on an island in Boston harbor, in

1624. And the following year Lyford and Oldham, who had been banished from Plymouth for disorderly conduct, joined by one Conant, made a temporary residence at Nantasket. Conant was not of the same opinions, precisely, with the people of Plymouth; being less opposed to the rites and forms of the established church of England. Lyford and Oldham were men of no stability of character; the former assumed the clerical office, but was found to be immoral; and the latter openly opposed the civil authority. Both were inimical to the government of that colony. They complained afterwards of persecution, and prevailed with some persons, who considered the Plymouthans too rigid, to believe they had been severely treated; but they were punished and ordered to leave that jurisdiction, for plotting against the government. After a short residence at Nantasket, these, with a few other persons, who were found, or had lately come to the place, removed thence to Cape Ann, chiefly for the purpose of fishing. Conant, with three others, John Woodberry, John Balch, and Peter Palfreys, characterised as prudent and honest men, left that place in 1626, and settled at Naumkeag, since called Salem; to which he was urged by some characters in England, who were desirous of effecting a permanent settlement in Massachusetts.

About this time William Blaxton, (or Blackstone,) who had been a clergyman in England, settled on the peninsula, where the city of Boston now stands. He continued at that place till the arrival of the company under Governor Winthrop, in 1630, and four or five years after, when he sold his possessions and removed a little south of the patent of Massachusetts. He was an eccentric and unsocial character; neither agreeing with the Church of England, nor with the puritans. He said "he left England to escape the arbitrary conduct of the lord bishops; and Massachusetts, to be free of the rigid discipline of the lord brethren."

In 1628, an important settlement was made at Salem, under John Endicot, who was chief of the plantation, till Governor Winthrop, with many others, arrived in June, 1630, and settled at Charlestown, Boston, and vicinity. After the death of Winthrop, he was Governor of Massachusetts several years, and for one year in the lifetime of that eminent man. Endicot had much energy and decision of character, and was well qualified, in many respects, to build up a new plantation in the wilderness; but he was narrow and rigid in his theological views.

This company came over in pursuance of a plan of Rev. Mr. White and others, who had been then some time preparing

for a colony in New England, to extend the knowledge of the gospel, and to provide an asylum for such as chose or were obliged to flee from ecclesiastical tyranny in England; and it was designed also as preliminary to the removal of larger numbers, which took place in 1629 and 1630. The company which came with Endicot consisted of one hundred; and they were far better supplied than the people of Plymouth were, at their first settlement. Of this party, three brothers, of the name of Sprague, with a few others, soon removed to the spot on which Charlestown has been since built. They found an Englishman living there, by the name of Walford, a black-smith. The Indians were more numerous at this place than in the vicinity of Salem; but they readily consented that the English should reside there, and the chief was mild and friendly in his deportment.

The next year, (1629,) three ships, with two hundred passengers, arrived at Salem; and a part of these also settled at Charlestown, one of whom was Thomas Graves, an eminent engineer. The population of these two places was estimated at three hundred, including those who arrived in 1629; two hundred of them were at Salem, and one hundred at Charlestown. There were four ministers in this company. Mr. Higginson and Mr. Skelton continued at Salem, and were learned and pious men: Mr. Smith, who was of an odd temperament, and supposed, sometimes, to be partially insane, went first to Nantasket, and thence to Plymouth, where he officiated some years; and Mr. Bright, who seems not to have gone to the extreme of non-conformity with the puritans of that period, soon left the country and returned to England.

Higginson and Skelton had received episcopal ordination in England; but holding the established church there, to be greatly corrupt, if not antichristian, they chose to devote themselves anew to the sacred office, by public prayer and by submitting to the imposition of hands by some of the lay brethren, as teacher and pastor. Delegates from the church of Plymouth attended on the occasion, by invitation; not, however, to direct, or to impart any special ecclesiastical power, but to sanction the solemn act and to show their christian affection for the new-formed church. There was no pastor, at this time, over the church in Plymouth, and the delegation was considered by the members, both of that and of the Salem church, simply as an expression of christian fellowship.

The people of Plymouth have sometimes been supposed more decidedly to oppose and condemn the English hierarchy, than those of Salem, and those who came the next year to

Boston; but Mr. Skelton and Mr. Endicot were entirely in sentiment with the Plymouth church, as to the errors and corruptions of the church of England, and of the propriety of a separation from it. They also agreed, as to the real independence of the churches, and of the perfect equality of their ministers or pastors. Governor Winthrop and his associates, who arrived the year following, did not consider the English established church as precisely antichristian, and yet they charged it as being unscriptural, arbitrary and corrupt. And, indeed, the people of Plymouth, through the influence of their enlightened pastor, John Robinson, had become cautious of denouncing the church of England as absolutely unchristian. Winthrop, and others of his company, both of the laity and clergy, coincided in sentiment with the pilgrim church, as to ecclesiastical government, the equal powers of all christian ministers, and the necessity of following the directions of Christ and his Apostles, in opposition to all rites and forms adopted by, and all decrees resting solely on, human authority.

When the company with Higginson and Skelton arrived at Salem, in 1629, there were only eleven houses, one of which was for public use. During that year, several were erected in Salem and in Charlestown, and preparations were made for building more the following season, for the accommodation of those then expected to arrive. Among those who arrived in 1628 and 1629, were some servants of the more opulent adventurers, who proposed to come over in 1630; and of Mr. Craddock, one of the principal undertakers, but who never came to Massachusetts. Such was the condition of the colony, that it was thought best to release them from servitude the next year; and most of them became worthy freeholders in the plantation.

There were few Indians at this time, near Salem, and they were entirely pacific and friendly. They were in fear of other tribes at the eastward, which probably induced them to seek the good will of the English. The Sachems at Saugust, Mistic and Agawam, cheerfully consented to their settlement, and sold them tracts of land for articles of small value. Naumkeag, or Salem, was uninhabited by any of the natives, when Endicot arrived.

The settlement of Massachusetts is commonly fixed in 1630; as it was in that year Governor Winthrop and company, consisting of nearly two thousand souls,\* arrived, and settled at

\* Fifteen hundred came with Winthrop, two hundred just before him, and settled at Dorchester, and there were three hundred at Salem and Charlestown when he arrived.

Charlestown, Dorchester, Boston, Watertown, and Roxbury. The people who settled Dorchester, though of the same religious views and opinions, were not immediately connected with those of Winthrop's company, till after their arrival. They arrived a short time before the larger company, and first pitched on the bank of Charles River, at Watertown; but a part of those associated with Winthrop claimed the place, and they removed the same summer to Dorchester. Seventeen ships were employed in 1630, bringing over passengers, cattle, and stock. They arrived in Salem harbor; but soon moved round to Charles River, and landed the people and goods on the north side. Within two months, however, Isaac Johnson, one of the most opulent of the company, fixed his residence on the southern peninsula, since called Boston; and several others soon followed him. A part of the company, under Sir R. Saltonstal, settled up the river, at Watertown; and Pyncheon, and others, soon established themselves at Roxbury.

In this company were two able and pious clergymen; John Wilson, who was the pastor of the Charlestown or Boston church; and George Phillips, minister of the Watertown church. The people of Boston and Charlestown formed but one church for about two years; and, after a few months, as early as November, the greater part having removed to the Boston side, the public religious meetings were generally held at the latter place. By a public tax, levied on the several settlements, in September 1630, Boston was assessed £11, and Charlestown but £7. Early in 1631, another tax was laid, in which Boston and Watertown paid a similar and the largest sum; Charlestown and Dorchester were next; Salem and Roxbury still lower.

With the church and people, who settled Dorchester, came also two able and pious ministers, Warham and Maverick, who had been pastors of churches in the west of England. Ludlow, Stoughton, Rossiter, and Clap, were distinguished laymen of the same company. And the principal characters with Winthrop were Sir R. Saltonstal, Thomas Dudley, Isaac Johnson, William Pyncheon, William Vassall, Simon Bradstreet, Increase Nowell, William Coddington, and Thomas Sharp.

Before this company sailed from England, April 1630, they addressed a letter, signed by Winthrop, Saltonstal, Johnson, Dudley, Phillips, Coddington, and others, to their brethren of the episcopal church; in which they acknowledge the church of England as their mother, blessing God for their birth and education as Englishmen, expressing christian charity for all the pious and good of that community, and desiring their

prayers, for the success of the enterprise in which they had engaged.\*

The early death of Isaac Johnson, eminent alike for his wealth, and his zeal in favor of the settlement, was a heavy loss. He had devoted all his property, as well as his life, to the building up of a colony in Massachusetts, for the support of pure christianity. The influence of Johnson, arising from his wealth and piety, was so great, that when he died some were ready almost to despair of the continuance of the plantation. His noble consort, who left an abode of abundance and elegance, from her attachment to religion, died soon after their arrival, and some weeks before this worthy man's decease. Her death, probably, hastened his descent to the grave. She was not the only female, in this distinguished company, of confessors and martyrs, who were of noble families. The wives of Humfrey, who came over soon after, of Rev. Messrs. Shearman, Bulkley, and Whiting, were daughters of noblemen; and so was Lady Moody, who resided some time in Massachusetts. And they are honorable examples of the pious sensibility and religious devotion of the female character.

Governor Winthrop, and the eminent men associated with him, in the settlement of Massachusetts, were equally friendly towards the people at Plymouth, as Endicot, Higginson and Skelton had been. The Rev. John Cotton, from whose church several of the Massachusetts company came, and who joined his friends in Boston, in 1633, advised them "to take council with their christian brethren of Plymouth, and to do nothing to injure or offend them." The Rev. Mr. Warham, of the church in Dorchester, also expressed a desire to one of Plymouth church, in 1630, to be on friendly terms with that church and people; and he declared himself satisfied with their ecclesiastical government and proceedings. Similar sentiments of christian kindness continued to be cherished by the principal characters of Plymouth and Massachusetts; and were mutually beneficial to each, till the union in 1692. The great objects of the emigration of the company with Winthrop to Massachusetts, were like those proposed by the people of Plymouth, the enjoyment of religious liberty, and the diffusion of christian knowledge among the native Indians. But the leading men of each colony were too wise to suppose they could live without civil government, or the friendly protection of England. They recognised the authority of the crown, and had patents, or grants from the king, for the territory on which they settled, who claimed the greater part of North America, by virtue of discoveries, which were made by his subjects.



The council for the affairs of New England, (which was incorporated in 1620,) granted to certain knights and gentlemen, about Dorchester, in England, in 1628, the territory lying between the rivers Charles and Merrimac, and extending three miles south of all and any streams connected with the former, and three miles north of the latter; and west to the southern ocean. This grant was soon after confirmed by Charles I., and a patent was issued, under the broad seal of England, giving power to govern the colony to be there established. Endicot, Johnson, Saltonstal, Humfrey, Vassall, Nowell, Pynchon, and Bellingham, were among the patentees. The next year, Winthrop, Dudley, and others, at the instance of Rev. Mr. White, were associated with them. Matthew Craddock was chosen the first governor of the company, in England; but as he did not purpose to remove to New England, Winthrop was chosen to that place, before the company embarked, in 1630; and it was then also voted to transfer the powers of government to Massachusetts, where the settlement was to be made. Dudley was, at the same time, chosen deputy governor; and a board of assistants, viz. Endicot, Saltonstal, Humfrey, Johnson, Pynchon, Nowell, Coddington, Vassall, and Sharp.

By the royal charter, the patentees of Massachusetts, their associates and successors were declared a body politic: the governor, deputy governor and assistants, with the other members of the company, had power to make laws and orders for the general good, not repugnant to the laws of England, and to punish all violations of such laws. This instrument was made a sufficient warrant to the officers of the colony to execute its laws, even against the subjects of England, who might visit there for trade, or other business; to punish, pardon and govern all such, as well as those who had settled within the plantation. The laws of England were early recognised in the jurisdiction, except in so far as the condition of the colony required additions and alterations.

The first court of assistants, after the company arrived, of which the governor and deputy governor were, officially, chief members, was held at Charlestown, on the 23d of August. This court was also in session twice in September; and in October there was a general court, composed of all the freemen or members of the company within the limits of the patent, when it was agreed, that the assistants should be chosen by the whole body of freemen, and that the assistants should chose the governor and deputy governor from their number. These latter, with the board of assistants, were authorized to

make orders and laws for the government of the colony, and to appoint officers to execute them.

Soon after the arrival and settlement of the company, one hundred and eight persons expressed a desire to take the oath required of the freemen of the jurisdiction; some of whom had been in the country several years, as Maverick, Blackstone, and Conant. The next year, it was ordered that none but members of the church should be admitted to the privileges of freemen. This was justly considered a grievance by those who were not of the church. But it continued to be the law for many from the first settlement.

The power of the lay members of the church was equal to that of the pastor or teacher, except that the latter was *ex officio* moderator of the church meetings, and the authority to administer the ordinances belonged exclusively to him. Each church was admitted to have all power necessary to be exercised for discipline and government, and for the choice and separation of the clergymen; and therefore were, at first, called independents; but afterwards, were generally denominated congregationalists.

The Indians near Boston manifested a friendly spirit towards the company, which settled there in 1630, as they had done to the people of Salem. They were, indeed, so few in that immediate vicinity, that they must have been unsuccessful in any attack on the English, unless they had received recruits from a distance. In 1632, there was an apprehension that a conspiracy was forming against them by the natives, but there was no satisfactory proof of such a design, at that period; and the Neponsetchief, and other petty sachems, were then on good terms with the government. Part of Boston was purchased of Blackstone, soon after the arrival of the company in 1630, though not all, immediately. He probably bought of the Indians, as they were on friendly terms with him; and in other instances, as Salem and Charlestown, the full consent of the natives was given, for some small consideration, that the English might have possession. In no case, does it appear, that the lands were occupied by force or fraud. The natives were few, and they put a small value on the soil. It was in perfect good faith that the sales and purchases of the different tracts were made. So it was in Plymouth colony. Governor Josiah Winslow, in 1675, says in a public document, "that no lands there had been taken up, but by purchase, and consent of the natives who claimed them."

Under the direction of such able and worthy men as Winthrop, all proper regulations were early made, for maintaining

the peace of the community, and for providing the necessary means of safety and defence. They felt fully competent, by the grants of power in their charter from the king, and by virtue of their rights as Englishmen, to make laws for the support of civil authority. It will be seen, by reference to the powers given in that instrument, as before stated, that they might with propriety exercise all the authority requisite for self-government, and for the protection and welfare of the colony. That they were ready to use all the powers granted by their charter, there is abundant proof; and if they exceeded those powers, it was generally, if not in all cases, owing to their distant location from the parent country, which rendered the exercise of sovereign authority necessary; or to their jealous care to preserve their religious liberty.

Several courts of assistants were holden, within a few months after their landing at Charlestown. The first was in August, two were in September, two in October, and others in November and December. After forming anew into churches, at Charlestown, Watertown and Dorchester, and ordering a support for the Clergymen, particularly of the two former, and providing houses for the approaching winter, they consulted for preparing a fortified town, in a central and proper place, for protection against the natives, of whose disposition towards them they could not be fully informed in a few months. The places mentioned for this purpose, were Boston, Roxbury, Watertown and Cambridge, then called the New Town. The general opinion was in favor of the latter, for the chief town, where the principal characters were to live; and Winthrop, Dudley, and others accordingly prepared to build in that place. But in the spring of 1631, it was concluded, that Boston should be the capital of the colony, and there Winthrop and some other public men fixed their residence. This caused a temporary coldness between Winthrop and Dudley, who sustained some pecuniary losses by the change; but a cordial reconciliation soon took place between them. As at Plymouth, soon after the arrival of the pilgrims, there was much sickness among the people who came to Massachusetts in 1630. About two hundred of the company died, within the first year. Whether this is to be attributed to change of climate, or poor provisions, or unusual exposure to the cold, it is difficult to decide. Their privations and sufferings were very great; and their condition was far different from that in which most of them had before lived. On finding that their stock of provisions was fast spending, they despatched a ship, early in the autumn, for Ireland; which returned in February following, and gave great relief to the plantation.

The magistrates were consulted, by the government of Plymouth, in October, as to the execution of a man, for murder, committed within that jurisdiction; and they advised that he should be put to death, "that the land might be purged of blood." It was a plain case of felonious homicide. But it was a question, with some in Plymouth, whether the colonial government had authority to inflict capital punishment; or whether the case should not be referred to the judicial tribunals in England. The charter for Massachusetts was explicit on this point. During the first year, one hundred and eight persons were admitted freemen; the most of whom came over with the governor and his company in June, 1630; but some were admitted who were in the country before their arrival. The original patentees, their heirs and assigns, were considered members of the company, and freemen of the jurisdiction; but, in 1631, it was ordered, that none should be of the General Court, and be allowed to vote for the election of governor and assistants, except they were also members of one of the churches. The General Court was composed of the whole body of freemen at first, by whom the Governor and assistants were elected, who had all judicial and legislative power in their hands; the people had then no further power or care in the government.

In the large company which arrived in Massachusetts, in 1630, there were many gentlemen of family, property and education. Winthrop, Dudley, Saltonstal, Nowell, Ludlow, Bellingham, Bradstreet, Pynchon, Coddington and others, were men of good information and more than ordinary learning; and those of the clerical profession among them were also well educated characters.

The clergy, from the first settlement, and for a long period after, had great influence, not only in the church, but in the civil government. This influence arose from their learning and piety; the sacred office alone gave them little power. The spirit of equality which prevailed among the puritans, in many respects placed the clergy and the laity on a level. But the clergy of that period were not mere theologians; they had been led to inquire into the nature of civil government. The state of England had forced the subject on their attention. Hence their competency to judge in political and social, as well as ecclesiastical affairs. They were therefore often consulted on the concerns of civil government; as to the separate powers of legislators and judges, of the peculiar authority of the board of assistants and of the assembly of deputies, and of the propriety of making war and peace. And, if the clergy were sometimes permitted and invited to give advice, touching political matters,

the civil magistrates claimed authority to direct or to advise in ecclesiastical affairs. Such power was often exercised by them, not merely as individual members of a church, but when acting as a body and in the capacity of magistrates. They aimed not at a real alliance of the church and state; but they contended, that religious teachers and institutions were necessary to the good order of society; and they considered it their duty to regulate the churches and to keep them pure.

Many individuals of the company, who formed the first settlement, were intelligent and judicious, as well as pious characters. Winthrop, especially, was well qualified for the leader and governor of this infant colony, by his literary attainments, his legal and political knowledge, and by his prudence and discretion as well as by his strict probity.\* A close, if not a severe discipline was necessary for some in the plantation, who were not of the church, but who had come over as servants, or as mere adventurers for gain. Six persons were sent to England with Captain Pierce in the spring of 1631, as they were thought to be dangerous to the order of the colony and the morals of the people. Some of the leading men of the company returned to England in 1630, and early in 1631; as Sir R. Saltonstal, Messrs. Coddington, Revel, Vassall, and Sharp. But additions were made to the colony, by emigrations in 1631; and a number of neat cattle were also imported.

At a meeting, in May 1631, of the freemen, and the governor, deputy governor, and assistants of the preceding year, which was called "the General Court," it was agreed, that there should be such a meeting or court, annually, and the freemen propose such for assistants as they chose. Winthrop and Dudley were then chosen to be governor and deputy governor. It was soon after agreed that the assistants should be chosen by the whole body of freemen; and the governor and deputy governor be selected out of that body. The emigrations were greater in 1632 than in 1631; and the settlements in the jurisdiction were extended. Governor Winthrop had a farm at Medford or Mistic; where he built a small vessel called "The Blessing of the Bay."

On the levy of the first tax, the people of Watertown objected to pay it, alleging that it was without just authority,

\* Gov. Bradford says, in a letter, "the Governor of Massachusetts is that worthy and pious gentleman, John Winthrop, under whose able, prudent and godly government, the plantation and churches there have much increased, to the great joy of our hearts and of all good men." Fuller, a physician and deacon of the church at Plymouth, says, "Gov. Winthrop is a godly, wise and discreet gentleman, humble withal, and of a fine and good temper."

and arbitrary, that the governor and assistants should impose taxes without the voice of the whole freemen. But the objection was withdrawn, when they were told that the assistants were chosen by all the freemen, with the power to govern the plantation. When a tax was afterwards to be assessed to defray certain public expenses during this year, it was proposed to have a meeting of committees from the several plantations; and two were chosen for that purpose. This probably led to the measure adopted in 1634, of having representatives of the freemen from every town in the colony, to form a legislative body with the board of assistants, instead of having all the freemen assemble, who, at first, chose the governor and assistants, and had then no other power in the government. The propriety of this measure was doubted, as the charter only provided for the meeting of the whole company; but it was justly argued, that it was not inconsistent with its spirit, and that the freemen might vote and act in person or by deputies chosen for the purpose; such being the case in all companies and societies. This course was therefore continued, from that year; though, at first, the deputies made but one assembly with the assistants. The towns represented, in 1634, were Boston, Salem, Charlestown, Watertown, Dorchester, Roxbury, Cambridge (or the New Town) and Saugust, or Lynn; Wessagusset and Mistic were not represented, in this assembly, and probably had then very few inhabitants, or freemen. Some of the settlers at Mistic were servants or tenants of Mr. Craddock, one of the principal patentees, but who never came to the country.

At the election in May, 1634, Mr. Dudley, who had been several years the deputy governor, and was the oldest of the company, was chosen governor; and in 1635, Mr. Haynes was elected to the chief magistracy; Mr. Winthrop, like Governor Bradford of Plymouth, being desirous of some relief from the heavy cares of that office. He was, however, appointed one of the assistants for these years; and thus the colony had the benefit of his opinion in all public affairs, as an adviser of the governor and as a magistrate.

It was soon found that the soil was friendly to the cultivation of fruit, vegetables, and grain. Indian corn was raised by the natives in most places, though in small parcels. In 1633, rye was also raised, much to the comfort and benefit of the people.

In 1633 and 1634, Ipswich was visited and settled; a son of Governor Winthrop was early there, but did not long remain. The intercourse with the Indians was frequent and friendly; but the people of the colony were in trouble from

the enmity of some individuals among themselves, who were immoral and turbulent characters, and who, for some just punishment, complained of the conduct of the governor and assistants to the parent country.

The character and education of the leading men both of Plymouth and Massachusetts, was such as to fit them for the enterprise which they undertook, to form a religious and political society, founded in the equal rights of men, and of obedience to God as their Supreme lawgiver and Governor. Their distinguishing trait of character was a sacred regard for divine revelation, united with the conviction, that civil government was essential to social order and justice. But republican or democratic principles were recognised in their full extent. The whole body of the freemen were to choose magistrates, and make the laws in person or by their deputies, and every attempt to evade this principle was early opposed and suppressed. Their zeal for religion and for the support of christianity was, generally, wisely tempered by their knowledge of human nature and of the importance of civil authority. The condition of their native country had served to prepare them to be political as well as religious guides. Brewster, Bradford, Winslow and Prentice of Plymouth, and Winthrop, Bellingham, Ludlow, Dudley, Nowell, Pelham, Pyncheon and Bradstreet, were qualified from their knowledge and experience to direct the affairs of civil government. If they differed, in some of their enactments and policy, from the old governments of Europe, it was not through ignorance or fanaticism, but from a reference to their peculiar situation, and from a supreme regard to the divine authority. All the freemen were on a level, and therefore had equal rights; and a less strict discipline than was adopted towards strangers and intruders would have subjected the infant colony to confusion and misrule, if not to an entire overthrow.

## CHAPTER II.

Opposers of the Colony—Complaints against it, and threatened with loss of Charter—Intolerance—Roger Williams—Eminent Men who arrived after the first settlement—Connecticut settled—Militia—Forts—Taxes—Haynes Governor—Elections by the People and Deputies—Bellingham—Dutch on Connecticut River—Disputes with R. Williams—His Banishment—Increase of Plymouth—Sir H. Vane arrives, and is chosen Governor—Governor Winthrop—Pequot War—Religious Disputes—Mrs. Hutchinson—First Settlers the Friends of Human Learning—Many of them Learned Men—Artillery Company and Militia—Charter recalled—Claims of Colony to Political Power—Printing Press—Distribution of the Powers of Government—Standing Council—Dudley Governor—His Character—Prosperity of the Colony—Bellingham Governor—Trade—North Line of Patent—Assembly of Divines at Westminster, England—Union of the four New England Colonies.

THE colonies in New England had enemies in the parent country, from their first settlement. The puritans, by whom these colonies were first projected and planted, were very obnoxious to the English hierarchy; and the supporters of the Stuart family, were no less opposed to them, for their political opinions. They were watched, with an evil eye, and attempts were often made to withdraw or curtail the civil powers granted them by the royal charter. Some merchants, also, who regarded America only as a theatre for gain, were instrumental in inflicting injuries, or in obstructing their prosperity. And a few individuals, for sometime resident in the colony, who were secret friends of the established church of England; or envious of the prosperity of the puritans, plotted against them. Sir Christopher Gardner, a traveller and adventurer without character, Morton, who had been at Mount Wollaston some years, and Radcliffe, sometime a tenant of Mr. Craddock, were banished from Massachusetts in 1632; as Lyford and Oldham had been from Plymouth, at an earlier day. Soon after they reached England, whither they were transported, they preferred a memorial to the government, in which they complained, that the rulers of Massachusetts were intolerant and severe towards all persons, not of their peculiar views; and that they assumed and exercised greater civil power than was given by the charter, or was consistent with the entire sovereignty of the parent state. Sir Ferdinand Gorges, and Mason, who had grants of land in Maine, and on Piscataqua



river, and some others, were active in urging the presentation of this complaint. But the decision of the king and his privy council on the petition, was favorable to the colony of Massachusetts; which was acknowledged to have been planted, without cost to the English government, and was inhabited by peaceable and loyal subjects of his majesty. But the following year, on other similar complaints, and great numbers intending to remove from England to Massachusetts, which alarmed the government there, an order of the council was adopted, forbidding all emigration; and Mr. Craddock, the principal character of the patentees of the colony, was directed to bring the charter before the board. But this order was not immediately followed by any oppressive measures towards the colony. At a little later period, the archbishop of England and ten others, officers of the court, obtained a commission from Charles I. granting them full power to alter or revoke the colonial charters, and to govern the inhabitants according to their own mere will and pleasure. But this commission also was superseded, or remained without operation and effect.

These measures of menace and these designs of oppression, were chiefly owing to the character of the puritans in the colony, who were unwilling even to tolerate episcopalians and other dissenters from their ecclesiastical rules and discipline; and were also known to be opposed to all arbitrary power in the state. The first planters of Plymouth, of Salem, of Boston, and other places in Massachusetts, cannot, perhaps, be fully justified for their strict discipline and government, in all cases, or for their severity towards those who would not conform to their opinions and usages; yet some apology may be found for them, in the fact, that they came to America under great privations, after long persecutions in England, to enjoy their forms of worship, which they believed were agreeable to the word of God; and had they not been select in receiving new comers, and in ejecting the turbulent and schismatic, their object would have been entirely defeated, and the colony probably broken up. But these considerations may not fully justify the conduct of the first and early settlers, in their exclusive and censorious spirit towards such as dissented from their opinions and forms. They were inexcusable in their treatment of Roger Williams, who was an honest, though an eccentric character; of Child, Brown, and others, who were desirous of worshipping God according to the liturgy and prayer book of the established English church; of Mrs. Hutchinson and her adherents, who, though very fanatical, did not deserve the harshness with which they were visited

for their extravagant and erroneous opinions; and least of all, for their persecutions and punishment of the Quakers. Williams, merely for his honest independence of opinion, was driven out of the colony in the midst of a severe winter, (1635—6)\* and it seems almost miraculous that he did not perish under his accumulated sufferings. It was a memorable remark of Governor Haynes to Mr. Williams, in 1635, "that he believed God had prepared this part of the world for people of all sorts of consciences and opinions." Mr. Williams was considered by his friends to be precipitate and passionate.

Among those who arrived in the colony and became permanent settlers, after the year 1630, and within three or four years, were Richard Bellingham, who was one of the original patentees, with Endicot, Saltonstal, Johnson, and others; John Winthrop, Jr., oldest son of the governor; Sir Henry Vane, who, the year after his arrival was chosen chief magistrate; John Haynes, who was also governor for one year; Herbert Pelham, a near relative of the Duke of New Castle; Sir R. Saltonstal, Jr.; and Rev. Messrs. John Elliot, John Cotton, Thomas Hooker, Samuel Stone, John Norton, Thomas Shepherd, Nathaniel Ward, John Lothrop, and Thomas Parker. Mr. Elliot, after a few months of preaching in Boston, in 1631, in the absence of Mr. Wilson, and before the arrival of Mr. Cotton, was ordained over the church at Roxbury, where Mr. Pynchon and others settled, soon after landing at Charlestown; and probably in the fall of 1630. Mr. Cotton, who arrived in the colony in 1633, and had been long intending to come over, was settled, with Mr. Wilson, over the church in Boston. Mr. Hooker, and Mr. Stone, were placed at the New Town, or Cambridge; and removed, in 1635, with several of their church and people, to Connecticut; and about the same time, a part of the Dorchester people settled Windsor. Mr. Pynchon soon left Roxbury also, and fixed his residence higher up on that river, the present site of Springfield. Mr. Ward was at Ipswich, and there also Mr Norton settled, after passing a few months in Plymouth, where he first landed. Mr. Lothrop first settled in Scituate, and thence removed to Barnstable; Mr. Shepherd succeeded Mr. Hooker at Cambridge, and Mr. Parker was at Newbury, with a Mr. Noyes. To these may

\* It is not very important whether Williams was banished in 1635 or '36. It has been generally stated that it was in 1635; but Dr. Holmes and Dr. Bently fix it in 1636. Williams says, in one of his letters, that it was the year before the Pequot war, which was in the spring of 1637. He was banished in the winter of 1635—6. He came over in 1631, was about a year at Salem; then two years at Plymouth; then again at Salem about a year more.

be added Rev. Mr. James, who became the pastor of the church in Charlestown, in 1632, on its separation from that of Boston; Rev. Mr. Whiting, who was at Lynn, Richard Mather at Dorchester, after the removal of Warham and Maverick, and Jonathan Mitchell, who was early settled in Cambridge.

A fort was erected on Castle Island in 1634; and one had been thrown up on the hill in the south-east part of Boston in 1632. Militia companies were also early formed; and the officers were required to train and discipline them every week. There were then fears of an attack from the French in Acadie, as well as from the Indians, who complained that the English were encroaching on their lands.

When a tax was assessed in 1633, the proportion was as follows, viz: Boston, £16, Roxbury, £13, Charlestown and Watertown, £13 each, Dorchester, £15, Salem, Lynn, and Cambridge, each £8. And in the fall of the same year, Boston, Roxbury, Charlestown, Watertown, and Cambridge, were taxed alike; the other towns less. At this period, the clergy were consulted, for preparing a code of laws suitable to the condition of the colony, and the character of the people; and they were also requested to consider the propriety and importance of some regular discipline of church government. Laws were made to prevent extortion and oppression, especially, as to the price of labor and necessary articles of living. The governor discouraged all needless ceremonies and expenses; and set an example of economy and sobriety. For the first three years, the powers of government were almost wholly with the board of assistants, including, indeed, the governor and deputy. But this was with the general consent of the people, who also had the privilege and the power to elect these magistrates.

In 1635, when Mr. Haynes was chosen governor in the room of Mr. Winthrop, a change took place in the government, of having representatives from every town, to be a part of the legislative body, as before mentioned. This change was not, probably, made because Winthrop was not chosen governor, for he was still one of the board of assistants, or council, and he desired to be excused. The great increase of citizens, no doubt, was the principal reason for the alteration. The whole body of freemen had been accustomed to assemble, though it was only to elect the governor, deputy and assistants. The first year, indeed, the assistants chose the governor and deputy. There were, now, eight towns, besides some smaller settlements, as Agawam, Wessagusset, Mistick, and Winnesimit. The whole population was probably not less than four thousand,

for in 1630 it was estimated at two thousand; and large additions were made in 1632 and 1633; and seven years from this period it was more than twenty thousand. It was now thought proper and expedient, for the freemen to meet in their respective towns, and choose three of their number to represent the people in a general court, or a legislative assembly, a part of which was the governor, deputy, and the assistants, also chosen by the freemen. Four general courts a year were holden a short time, for legislative business; and for a few years, the representatives and assistants formed only one assembly. Having gained this portion of power in the government, the representatives soon claimed a share in both the executive and judicial proceedings. But this was warmly opposed.

At this time, when the people and the deputies demanded a share of the legislative power, and even claimed judicial authority, they proceeded so far as to impose a fine on the assistants, for disregarding an order of the general court. Mr. Endicot was also reprimanded for indiscreet and rash conduct, in cutting the cross out of the king's colors, with the pretence that it was a relique of popish superstition. It was supposed he was urged to this imprudent act, by Roger Williams, who then resided in Salem. Mr. Endicot was further punished for this conduct, by being declared ineligible to any public office for a year. Complaints were even made against Governor Winthrop; and he was questioned as to some public receipts and disbursements, while he was in office. But on inquiry, he was honorably acquitted; and not even a suspicion against his integrity remained.

Richard Bellingham, one of the original patentees of Massachusetts, and who arrived in the colony in 1634, was chosen deputy governor in May, 1635, when Mr. Haynes was elected the governor. Mr. Bellingham was educated a lawyer, and had a greater share in framing the laws of the colony, than any others, except Winthrop and Cotton. He was distinguished alike for good judgment and incorruptible integrity. He was generally one of the assistants, and at a later period, was several years chief magistrate of the colony.

When the settlements were made at Hartford and Windsor, on Connecticut River, in 1635, by the people from Cambridge and Dorchester, there were conflicting claims to that part of the country, by Massachusetts, Plymouth, and the Dutch, on Hudson River. The place had been visited, several years before, by some Plymouth people, who erected a house for trade with the Indians. The Dutch, soon after, took possession, a little lower on the river, claiming the place to be within their patent. Some disputes arose, in consequence of these

various claims; but no serious difficulties occurred with the Dutch at the time; and yet it was supposed, that they instigated the Indians, two years after, to make hostile attacks on the English, in that part of the country.

There was much public excitement through the colony, in 1634 and 1635, relating to the opinions and conduct of Roger Williams. His honesty was never justly doubted, but he was wanting in prudence and stability of character, and indulged in very extravagant theories. He made himself obnoxious to the government, by denying the validity of their title to the soil, on account of the royal grant; insisting that the Indians were the only proprietors; and by opposing the claims of the civil authority, to make any laws touching the observance of the sabbath, or other religious ordinances. In the assertion and publication of these sentiments, he was considered a disturber of the public peace; and when he could not be convinced of his errors, was ordered to depart from the colony. His opinions led him to refuse religious communion with most others, and even with members of his own family. And he condemned all who would not join him in anathematizing the church of England. With all these extravagances, he had a great portion of human kindness in his disposition, and was ever ready to make personal sacrifices for the welfare of others. Individuals of distinction, both in Massachusetts and Plymouth, showed him much kindness, even at the time of his banishment; and afterwards, till his death, he was esteemed for his benevolence, honesty and piety. Mr. Williams was a scholar and a clergyman. He preached some time in Salem, after his arrival; then at Plymouth, for about two years; thence he returned to Salem, where he openly advanced his peculiar and obnoxious opinions; and in the winter of 1635-6, when ordered to leave Massachusetts, he went south, and took up his abode at a place which he called Providence.

The colony of Plymouth was, at this time, in a prosperous condition, though it was still small and feeble, compared to Massachusetts. Under the direction of wise and prudent characters, the debts, early contracted for their transportation and original settlement, were discharged; some vessels were built; and their trade increased; and several towns were settled in different parts of the colony.

When it was proposed, in 1634-5, by Mr. Hooker and the people of Cambridge, to remove to Connecticut River, a question arose, as to the power of the representatives, acting separately from the assistants. The consent of the general court was asked, for the removal, as it was believed the welfare of

Massachusetts might be affected by it; and it was said that all ought to remain together for the common defence and prosperity. The majority of the representatives were in favor of the removal; but a vote could not be obtained for it in the board of assistants. The representatives insisted, that the assistants should yield to them, as the larger body; and as the votes for removal, taking those of the deputies and assistants, were more than those against it. The assistants resisted this claim of power on the part of the representatives; but in 1635-6 the removal took place; and it was afterwards settled, that no order or law should be binding, or take effect, unless the majority, both of the deputies and assistants, approved of it.

Sir Henry Vane, who came into the colony in 1635, was elected governor the following year. He was under thirty years of age, but of accomplished manners, and very conciliating and popular in his deportment; and he was also a high professor of piety. His religion, however, was not such as to divest him of a love of power. He sought the favor of the people, particularly of those who made great pretensions to sanctity, and was put forward by them, as a rival and competitor to Governor Winthrop. In 1637, after some electioneering by the particular friends of these gentlemen, Winthrop was elected to the place of governor; and Vane soon after returned to England, where he acted a conspicuous part, in the time of the commonwealth; and afterwards suffered heroically, under Charles II. The qualities of Governor Winthrop, both of the head and the heart, were such as to secure the utmost confidence from all the intelligent and judicious characters in the colony.

The first serious danger to which the people and government of Massachusetts were exposed, from the Indians, was in 1637, when the cruelties and injuries committed by the Pequot tribe were so great, that war was formally undertaken against them; in which those of Plymouth and Connecticut united. This tribe resided between the Thames and Connecticut rivers, and at and near the present site of New London. They had attacked and slain several of the English, who were trading in their vicinity; but it is probable the persons slain had previously done some injury to the natives. The English demanded satisfaction without effect; and the conduct of the Pequots was so unjust and menacing, that it was believed the safety of the colonies required that they should be subdued. An attempt was first made, in 1636, to bring them to submission, and Endicot was sent with eighty men for that purpose. The Indians made evasive answers, and he returned without

effecting a negotiation. His force was too small to reduce them. The natives near Boston were few, and no indications had appeared of their hostility, to cause very anxious fears to the government. At a distance, they were more numerous. Besides the eastern tribes, there were the Pautucketts, on the higher parts of the Merrimac River; the Nipmucks, to the west and southwest; the Pocanoketts, at Mount Hope, and extending through the colony of Plymouth; the Narragansetts, the Nianticks, the Pequots, and the Mohegans, in the southwest parts of Rhode Island, and the adjoining territory of Connecticut. Of these, the most formidable and savage were the Narragansetts and Pequots. After it was determined to make an attack on this hostile tribe, and in their own country, the three colonies of Massachusetts, Plymouth, and Connecticut, agreed to furnish men for the war. The attack was made on the Pequots, by the Connecticut troops alone, before those from the other colonies arrived. Major Mason, who had been a soldier in the continental wars in Europe, and like Standish, of Plymouth, was considered an able military character, had the command of them. His attack was very bravely and skilfully conducted. He came on them by surprise, though they knew he was on his march against them. The sachems and chiefs made a desperate defence, for some hours; but the panic and confusion were so great, on account of the unexpected assault, when it took place, that they were completely routed with great slaughter. The remnant of the tribe was soon after pursued to a distance by the Massachusetts troops, which had come up, and wholly routed and dispersed. The Narragansetts, Nianticks, Mohegans and Nipmucks, (except that a dispute among themselves involved the colonies in a degree) were subsequently peaceable and submissive, till the attempts made by Philip, in 1675, to destroy all the English in the country.

During the year 1637, an unhappy dispute arose, as to the nature of faith and justification, which agitated the whole community. Some extravagant and dangerous opinions were advanced, tending to licentiousness, under pretence of glorifying the sovereign grace of God. The sentiments were justly opposed and reprobated, but the deluded people were treated with undue severity. Several persons were banished, or chose to leave the colony, rather than submit to the censures and restraints imposed on them. The settlement on Rhode Island was begun, at this time, under Coddington, Coggeshall, and others, who had been banished on a charge of erroneous and dangerous sentiments. A large minority of the freeholders were implicated in this alarming heresy; and the govern-

ment considered it so dangerous to social order and good morals, that the supporters of it were disarmed. Rev. Mr. Cotton of Boston, and Governor Vane, favored the opinions of these fanatics, for some time, before they proceeded so far as to require the interference of the civil government. Their apology was, that divine grace was magnified by their creed. But it is probable, that the deluded persons withheld their opinions from Mr. Cotton, to the extent which they confessed them to others. Their opinions tended to the most revolting antinomianism; and all that was required by them to be a christian and a spiritual person, was a feeling and a belief of justification by a sovereign act of the Deity. Governor Winthrop, Rev. Mr. Wilson, and most others of the clergy, opposed and censured this opinion, as dangerous to the purity of the churches, and directly contrary to the plain declarations of the gospel. These were therefore denounced as legal preachers, while Mr. Cotton, and few others, were said to preach the doctrines of grace. When Mr. Bulkley was settled at Concord, in 1636, he was condemned by these high spiritual professors, as teaching a covenant of works, and some declined assisting in his instalment on that account; and yet he was the writer of a pamphlet entitled, "The Gospel Covenant of Grace." The Rev. Mr. Hooker exerted a salutary influence at this time. He expressed doubts of the benefits of a synod, to settle religious disputes, from an apprehension that party feeling and prejudice would have an undue influence in the decision. And Governor Winthrop insisted, that the appeal should be to the scriptures; and his prudence and firmness maintained a good degree of order and peace. Indeed, the Bible was professedly made the standard by all; but each sect claimed to decide what it taught, and condemned such as differed from them.

The men, who first settled Plymouth and Massachusetts, were friends of human learning, and early made provision for the education of youth. Of the Massachusetts company, a great portion were well educated men, and they considered human knowledge essential, or highly important for the public teachers of religion. The number of learned men among them was as great, in proportion to the whole population, as in any part of England, at that period. It was only a few fanatical persons, and those not among the men of influence, who supposed that religion did not need able and learned advocates.

In 1636, the general court granted £400 for the support of the school at Cambridge; and in 1638, Rev. Mr. Harvard, of Charlestown, bequeathed half of his estate, being about £800, to the same seminary. It soon after received the name of Harvard



College; and the government frequently afforded it pecuniary aid, to induce men of learning to become teachers, and to qualify youth to maintain the peace and honor of the colony. At a later period, provision was made, at the college, for giving a classical education to such of the Indian youth as were disposed to receive it. Nor was it long (1646) before laws were enacted for the support of public schools in all the towns within the jurisdiction of Massachusetts.

By the provident care of the government, an order was early made for arming the freemen, and training them for military service. A laudable spirit prevailed, in this respect, among the most eminent characters. An artillery corps was formed in 1638, composed of men of property and influence in the colony, which has been continued, under the name of the Ancient and Honorable Artillery Company. There was an application for an act of incorporation of the company in 1639, but it was not granted; yet it had the approbation and support of the government. In 1639 two regiments of militia, of five hundred men each, were formed, and paraded with great show; one of which was commanded by the governor, and the other by the deputy governor, in person.

There was early a jealousy, on the part of the parent government, of the growing power of Massachusetts; and it was often pretended, that the colony had assumed authority incompatible with a due subjection to England. Evidences of this disposition have already been noticed. In 1638, at the instance of the attorney general, urged, no doubt, by those particularly inimical to the colony, or the advocates for arbitrary power in the parent state, a writ of *quo warranto* was issued, by order of the Lord Commissioners for foreign plantations; requiring the proprietors, or patentees, of Massachusetts Bay, to surrender their charter, on the plea of having exceeded the powers granted, and of abusing the royal grace. Those who were in England appeared, and judgment was rendered against them. Governor Winthrop was served with a similar process; but he did not appear nor answer, except that the general court, through his influence, probably, forwarded a petition to his majesty; in which they referred to the powers granted by their charter, which they alleged they had not abused nor exceeded; that the colony would be greatly injured, and the people deprived of the rights and privileges of Englishmen, if the charter were resigned, and the arbitrary will of officers in England were to govern; and praying the forbearance and clemency of his majesty. Either the Lords Commissioners were satisfied with the statement, or the political disputes and divisions in England,

at the time, prevented further proceedings on this subject. Some clauses in the royal charter for a government in Massachusetts, as before stated, gave large powers; and the rulers of the colony were always ready to exercise them to the full extent. The object of the English government, invariably, was to prevent the exercise of powers not clearly given, and even to interpret the charter more unfavorably to the authority to the colony than the people here admitted; or to recall the first charter, and substitute another calculated to keep the colonists in entire subjection, and under the constant control of Parliament; or, perhaps, to allow no charter; leaving the inhabitants to the capricious will and pleasure of the favorites of the crown.

The colonists claimed all power proper for an entirely separate government, except that their laws should not be repugnant to England, and a recognition of dependence on the crown; which, as they construed it, seemed not to prevent their exercise of the highest civil powers; while the political characters in the parent country admitted the power, only to make necessary local regulations, and insisted on the right of appeal in all cases, to the decision of the king or parliament. This difference of opinion, and this contest, continued for nearly ten years, when the disputes in England, between the friends of royalty and the advocates for civil liberty, prevented much attention to the conduct of the colonies.\* The opposers of Charles I. were generally friendly to the government and leading men in Massachusetts. Yet, in 1650, when some of them advised the governor and assistants to solicit political favors of the parliament, they declined; from the consideration, that, if they put themselves under the protection of the British government, it might become necessary to be subject, in all cases, to such laws as it might afterwards impose; which, in the end, would probably prove highly prejudicial to the rights of the colony. There was a constant assertion, from an early period of the settlement of Massachusetts, of a right to the liberties of Englishmen, and of political authority, as granted in their charter, for self government.

Within the first ten years of the settlement, by Winthrop and his company, the colony was well supplied with mechanics and artificers; and cattle were so numerous, as to be sold for less than half the sum demanded in the three years 1630—1633. The manufacture of linen and woollen cloths was

\* The dispute was soon after revived, however, in time of Charles I. and his successors; nor did it in fact long sleep at any future period; but broke out with more power and effect in 1770.

encouraged by the General Court, at this period. The breed of sheep was also an object of attention; flax was grown in many parts of the colony, and cotton was imported from the W. Indies. In the same period, there were eighteen churches formed in the colony, and nine in Plymouth; and were supplied with able and learned pastors.

In the early days of the colony, the clergy had great influence, even in political affairs; but it was used, most frequently, only at the request of the civil authority, instead of being exerted in opposition to, or in derogation of it. Their literary and moral character entitled them to consideration, even in political concerns; and they proved themselves the friends of social order and civil liberty. If they sometimes assumed to control the laity in matters of religion, it was from mistaken rather than ambitious views; believing that they had discovered the whole truth of God's word, they felt themselves bound to teach and maintain it. Mr Cotton, of Boston, was often consulted on political subjects, and seems to have been ready always to give his advice, and exert his influence. He was requested to assist in preparing a code of laws for the colony; and with the aid of Sir Henry Vane, while he was governor, a system was drawn up, but not published till several years after. Capital punishments were provided for many crimes; and the levitical law was made the basis of the code.

The first printing press in Massachusetts was put in operation in Cambridge, in 1639. It was the property of the widow and heirs of Rev. Mr. Glover, who had been engaged by Governor Winslow, of Plymouth, for a religious teacher in that place. Glover died while preparing for, or on the passage from England, and the press was worked by one Day, for the benefit of his family. The press, soon after, passed into the hands of Samuel Greene; and among the first books or pamphlets printed, were an almanac for New England, and a metrical version of the Psalms of David.

As the colonists had prepared no formal constitution of civil government, and the charter contained only general expressions of a grant of power to the company, it is not to be wondered, that, for some time, there were disputes, as to the division and distribution of power, among the magistrates, and the people. The company was, indeed, organized in England; for its members were too wise to attempt any acts of a corporation or society, without a compact, and some general rules and regulations. How they proceeded, for several years, after the first settlement of the colony, has been briefly narrated. For three years, the governor and assistants exercised both legislative

and judicial authority ; the people using no power but that of the election of those rulers. In 1634, the people not only chose the assistants and the governor, but selected some of their number, in every town, to form a legislative assembly, in conjunction with the others. They soon assumed to control the assistants, by requiring them to yield to their wishes and proposals, and claimed authority to sit as a judicial tribunal. This was resisted, not only by the assistants, but by most of the clergy, and many others who were the most discreet characters among the laity. Notwithstanding the claims of the freemen, or of their deputies, rather, the small body of assistants with the governor had the power to give a negative to any bill from the house of representatives ; so that no law or order was perfect without their concurrence.\* It was also settled, that the representatives should have no power as a judicial tribunal, except in so far, as their own privileges were concerned, or to act on petitions for new trials.†

While Vane was governor, there was a proposition for a standing or permanent council, to consist of the governor and two members of the board of assistants. Mr. Cotton favored the proposition ; probably from his great regard for Vane. No evil had resulted from this measure for three years. But it was not agreeable to all the deputies of the people ; and yet the only peculiar authority they possessed, was to act as an executive body, when the board was not in session. The assistants yielded so far, as to explain, “ that it was intended the standing council should be chosen from the assistants, and that no member of that council was to have power as a magistrate, unless also annually chosen into the board of assistants.” The assistants took part, with the deputies, in all acts of legislation ; and they also constituted the courts of law ; though some discreet and intelligent men were appointed, in all the large towns, to act as justices or judges, in the origin of most disputes.

Mr. Dudley, who had been governor one year, and generally, the deputy governor, was again elected chief magistrate in 1640 ; and Mr. Bellingham was chosen the deputy. Dudley was a man of great integrity and piety, but bigoted and intolerant

\* It would appear, by this dispute, that the board of assistants and the deputies set in separate apartments ; but it was not till 1644, that they held their meetings in different rooms ; and yet it is evident that they must have acted as two distinct bodies.

† Lechford, who complained of the magistrates and clergy in Massachusetts, in 1640, as severe and intolerant, says, “ wiser men than they, going into a wilderness to set up a government different from that established in England, would probably have fallen into greater errors than they have done.”

in his theological views. Bellingham had a more cultivated mind, and much legal information; but he, too, was rigid and exclusive in his opinions, according to the spirit of the times. Winthrop was passed by, not from any disesteem, or want of confidence of the people; but to relieve him of the cares of government, and probably, in accordance with the republican maxim, of rotation in office. The towns were now restricted to two deputies, an order to that effect having been passed in 1639. There were some objections to this restriction, but they were not available.

The colony was not much increased this year, by emigration from England. The state of the kingdom was such, as to engage the attention of the opposers of arbitrary power, and to excite a hope that they should soon enjoy civil and religious liberty in their own country. The estimate of the number of people in Massachusetts, at this time, (or in 1641,) was 21,000. The number of ships, in which they were transported, has been differently stated; it could not have been less than two hundred, which would require only one hundred in a ship; and some brought a greater number. The condition of the colony was now very prosperous; and those who had known it in the first three or four years after the settlements began, called it the golden age of New England. The land was cultivated to advantage, cattle much increased, and were purchased at reduced prices. The people were industrious, and of great sobriety of manners. Produce was sent to the West Indies, and trade extended to the Wine Islands: fish, lumber, and furs, were the articles exported; and the proceeds carried to England to purchase manufactures wanted in the colony. Protection was granted to the fisheries, by exemption from taxes, and military trainings.

In 1641, Mr. Bellingham was elected governor, and Mr. Endicot, the deputy. The same assistants, with few changes, were chosen for many years. It is an honorable record to the character of Bellingham, "that he was one who hated bribes." But this testimony was not given, to distinguish him from many others in this respect. None of the public men in the colony were then charged with dishonesty or selfishness. Winthrop always proved himself to be upright and faithful, as well in public as private life. For some years, when the colony was small and poor, he had no salary granted for his support; and it was the practice to make him, as well as the clergymen, presents. But he soon declined receiving them, through a fear, that he might possibly be influenced by them, in his official conduct.

On account of regulations on trade, which extended to, or were particularly designed for the colonies, and which operated heavily on the merchants, agents were sent to England, to obtain relief. The friends of the crown were not disposed to favor the colonies, by remitting the customs or duties: but the parliament, then opposed to the measures of the king, were more ready to grant indulgence; especially, as the settlements had been made without expense to the government of England, and the colonists were desirous of spreading the gospel among the heathen: another reason might be, that the political opinions of the rulers in Massachusetts were agreeable to most members of parliament. A resolve passed the House of Commons favorable to the petition from the colony, and granting an exemption from the former duties, which was transmitted to Governor Winthrop; but it does not appear, that the House of Lords concurred in it.

The north line of Massachusetts was ordered to be run, in 1641, and the construction put on the words of the patent was such, that the river Merrimac was followed up to its source, and thence a line drawn easterly, which included all the northern and eastern part of New Hampshire, and part of Maine, within its jurisdiction. And thereupon, Portsmouth, Exeter, and Dover, put themselves under the government of Massachusetts. This construction of the charter was decided, afterward, to be erroneous.

The increase of the anti-episcopal party in England, led to a convocation or assembly of divines, at Westminster, in 1642, to agree on a creed and a form of church government. Rev. Messrs. Cotton, of Boston, Hooker, of Hartford, and Davenport, of New Haven, were invited to attend as representatives of the churches in New England. Cotton and Davenport were disposed to accept the invitation, but Hooker declined; and the others were persuaded from attending. Hooker was decidedly in favor of independency, or congregationalism, and he feared that the presbyterian form of government might be adopted by the assembly in England.

Some serious disputes between the inhabitants of Hartford and New Haven, and the Dutch about Hudson River, together with the hostile movements and reported designs of the Narragansett and Niantick tribes of Indians, against the English, induced the four colonies of Massachusetts, Plymouth, Connecticut, and New Haven, (the two latter being then distinct jurisdictions,) to form a confederacy, in 1643, for mutual defence, and for the protection and defence of all. The people in Rhode Island were then in such an unsettled state, as not to

be invited or allowed to belong to the union. A proposition was made, three years previously, for such a confederacy, by the people of Hartford ; and now the measure was adopted through the urgent request of that colony and New Haven, who were the most exposed, both to the Dutch and to the Indians. Massachusetts was reluctant in joining the confederation, as it felt able to protect itself ; and as its authority and influence, in all matters, to be decided by the united council thus formed, would be on a level with the other colonies, which were all far less populous and powerful. And in some of the proceedings, under the confederacy, complaints were made, "that Massachusetts grasped at an undue share of power." This compact provided that every colony might have two commissioners in the general meetings, or congress ; and that the charges of war, and other expenses, for the protection of the whole, should be levied on the colonies according to their respective population. In many emergencies which arose, this union was found beneficial ; and it served to keep up a spirit of harmony between all the English in New England. The meetings of the commissioners were held in rotation in each of the colonies thus united, and were continued, with little interruption, till 1686. The object was similar to that of a temporary congress in 1754, and of the more memorable one of 1774. The colonies respectively retained and exercised all the power of making internal laws and regulations, as before the union. At that period, Massachusetts contained about as many inhabitants as all the other colonies. It was to furnish one hundred men, in the event of a war ; and the others forty-five each. The settlements had been so much extended in Massachusetts, that the following year four counties were formed, viz. Suffolk, Essex, Middlesex, and Norfolk, which contained the towns on the north of Merrimac River. Besides Springfield, the inland towns settled, at this period, (1643) were Concord, Sudbury, Woburn, Dedham, and Reading.

### CHAPTER III.

Treatment of the Indians—Gorton—Episcopalians—French in Acadie—Shipping—Militia—Slavery—Baptists and Quakers persecuted—Iron Works—Magistrates direct in Religion—Economy and Sobriety—Troubles in England—Synod—Publication of Laws—Witchcraft—Death of Gov. Winthrop—Maine—State of Plymouth Colony—Great Powers exercised by the Colony—Dispute with Connecticut about duties—Canada proposes an Alliance—Disputes in Great Britain—Gov. Winslow Agent—Dutch at New York troublesome—Mrs. Hibbins executed for a Witch—Maine—Trade of Massachusetts—Cromwell proposes a removal of the People of New England to Jamaica—Leverett Agent in England—Treatment of Quakers and Baptists—Government of England forbid their persecution—Efforts to improve Indians—Ecclesiastical Affairs in hands of Magistrates as well as Clergy—Pyncheon—Dr. Owen—Youth of Massachusetts—Number of Towns and Churches—Population—College.

IN the early disputes and wars with the Indian tribes, the government of Massachusetts was charged, in some instances, with severity and injustice. The plea of the colony was, that it acted on the defensive; and that it never adopted measures of hostility, but on proof of combinations forming against it, or repeated acts of savage cruelty. The union of the colonies was owing to similar considerations; and the conduct of the confederated commissioners afforded a full vindication of the policy of Massachusetts. At the time this confederacy was formed, the Narragansett tribe, (with the Nianticks adjoining, and which was in subjection to it) the most formidable in New England, after the conquest of the Pequots, discovered a dangerous spirit of enmity, both by conspiracies and overt acts of hostility. They made frequent attacks on the Mohegan tribe, which was in peace with the English, and which the colonies were bound to protect. Warnings and remonstrances had no effect on the Narragansett sachem. He sought to take the life of the Mohegan chief in secret; and the latter afterwards challenged him to single combat, which was declined. During the contest, the sachem of Narragansett fell into the hands of the Mohegans; and after consulting the commissioners of the united colonies, was put to death by Uncas, the Mohegan chief. He had forfeited his life to Uncas, by the rules of Indian warfare. But it was made a question, whether the commissioners could be excused in advising or consenting to the act. By some writers it has been confidently asserted,



that their conduct in this case, was altogether unjustifiable, while others have found an apology for it, in the repeated instances of treachery proved against the Narragansett chief, and in his attempts to take the life of the Mohegan sachem, who was under the protection of the English. It might savor of undue partiality, to justify the first and early settlers of New England in all the measures they pursued towards the natives of the country; but their general character for justice, humanity and religion, will be a shield against the charge of any acts of deliberate cruelty or oppression. They were in a condition of imminent exposure from the savages, and the great law of nature would lead them to measures of protection and defence. Mr. Williams, of Providence, justified the united colonies for the war against the Narragansetts.

The treatment of Samuel Gorton, who resided chiefly in Rhode Island, but was frequently in Massachusetts, a man of very fanatical and turbulent character, has also been severely censured. But he disregarded the lawful authority of the government, and endeavored to cast contempt on their institutions and forms of worship; and also instigated the savage chief of Narragansett to acts of hostility towards other Indians under the protection of the colony. These petty sachems were, moreover, oppressed by Gorton and his adherents, and their lands taken by him, by fraud and injustice. His conduct was too extravagant and lawless to escape even the censures of the tolerant and indulgent people of Rhode Island. The reasons given by those in the government of Massachusetts, in the early and critical period of their settlement, for what has been considered unreasonable and severe treatment of a portion of the Anabaptists and the Quakers, were, that the conduct, as well as the opinions, of these individuals and sects, was in defiance of legitimate authority, and that it tended not only to weaken the power of the church, but to disturb the public peace. They were punished and banished, not merely for the erroneous opinions they advanced, but for insubordination and disobedience, when in the colony, to the express orders of the legislature. The confinement of Gorton may appear harsh and unnecessary, to those who consider the present state of opinion respecting fanatics or levelers; but the extravagant tenets they advanced and published, were in derogation of the just authority of the civil government, and would have soon prostrated the religious institutions, which it cost so much to establish and maintain. In a society, very enlightened and long established, it may be good policy to permit the expression of all opinions, not of direct and immediate dangerous tendency; but when

opinions obviously tend to undermine the fundamental principles of a community, and lead to misrule and disorder, it would be folly to tolerate them. In much later and more enlightened times, it has been considered necessary to punish the blasphemer, and the active malignant infidel.

Gorton went to England and complained of Massachusetts for severe treatment, and the government there listened so far to his statement as to give directions, that he should be allowed to pass through their jurisdiction; but the assistants were divided in opinion, as to such indulgence to him, and the deputies were wholly opposed to it. He was not content with merely passing through the colony, but delayed his departure, in order to spread his obnoxious tenets, or to provoke the resentment of the government. The deputies and assistants joined in a remonstrance to the government of England against the order in favor of Gorton; and in their protest, while they recognised their dependence on the parent state, they contended for power, by their charter, to punish or banish all who were disturbers of the peace of the colony, and to make laws for the support of government, as they had established it.

Other troubles, growing out of religious opinions and forms, shortly after arose with the friends of episcopacy. There were a few attached to the liturgy and other forms of the English established church, from the early settlement of the colony. But they were not allowed publicly to observe those forms of worship. They were considered by the puritans, as unscriptural and merely of human authority; and therefore, in their opinion, not to be tolerated in the colony. When charged by these few adherents of the episcopal church, with intolerant, arbitrary conduct, they referred to their charter, and insisted that they had a right to forbid the forms of worship inconsistent with the ecclesiastical system which was approved by the company in Massachusetts, and for the support of which they had suffered so much in settling the country. The wisdom of this policy may be justly doubted, since particular forms and rites of religion are not essential to its spirit and tenor; but the right in a legal view perhaps will not be denied; and the toleration pleaded for would have been fatal to the design which they had in view. The error of the puritans consisted in assuming, that they had at last discovered the true meaning of revelation, in all things, and that it was their duty to allow no deviations from it. Governor Winslow, who was then in England, was employed by Massachusetts to defend the measures, of which both the fanatical Gorton, and the advocates of episcopacy complained. He prevented the evil which threatened the

colony, by his zeal and fidelity; but the indignation of the ministry was visited on him personally. On this occasion, as well as others, a protest was made against sustaining appeals to the parent government, by individuals, from the decisions given in the colony against them.

The general court of Massachusetts showed their abhorrence of the slave-trade in 1645, by ordering a Captain Smith to send back, at his own charge, some negroes, which he had brought to Piscataqua that year. It was proved that they had been taken by force or fraud on the coast of Guinea: and man-stealing was made a capital crime by a law passed in 1649. There were some instances of negro slavery, however, in the colony, at an early period, and even to the time of the revolution; but they were few, and public sentiment appears to have been unfavorable to the practice. The slave-trade was never permitted by the government of Massachusetts.

About this period, an unpleasant dispute with the French, at Penobscot and St. Johns, which had given alarm and trouble for some time, was amicably terminated. Endicot was then governor (1644); and the commissioners of the united colonies at their meeting, in 1645, confirmed the treaty. The difficulty began when Winthrop was governor, in 1643; and he was censured, at first, for favoring the claims of La Tour, a Frenchman, in that quarter, against his rival, Monsieur D'Aulney. But Governor Winthrop was afterwards justified for the course he had pursued. The people of Plymouth, and Massachusetts, and the French at the eastward of Kennebec, depredated on each other, at that period; and the termination of the contest was highly beneficial. The seizures and the losses were not very great, but were severely felt, when the colony was feeble, and its navigation and trade just beginning to expand. England was then so much engaged in its internal affairs, that the colony adjusted the dispute with the French settlements, of its own authority and choice, though it had the sanction of the commissioners of the then New England colonies. D'Aulney was then in possession of Penobscot, and claimed as far as Penaquid, a few leagues east of Kennebec.

The advancing prosperity of the colony, and the enterprising spirit of the people, were witnessed, as by many other improvements, particularly by the introduction of iron works, which were established at Lynn and Braintree; and by ship-building, which had much increased. A ship of four hundred tons was built in Boston, in 1645. There were, at this time, twenty-six military companies, making three large regiments.

A period of tranquillity for several years, as to foreign nations

and Indian tribes, now succeeded. Meanwhile difficulties arose within the colony, which required the exercise of wisdom and prudence in the rulers. Some new laws were enacted, which the situation of the colony was believed to demand; ecclesiastical affairs received the attention of the civil authority, as well as of the clergy; the government of the church was regulated; the magistrates claimed the right to be consulted in the settlement of ministers, and in cases of controversies in churches, and in some cases to decide as to the correctness of theological opinions; supposed heresy was condemned; and the Baptists and Quakers were mulct by heavy fines, and banished from the jurisdiction. It appears that great stress was laid on what was unimportant, both as to religious tenets and forms; but the manners of the people were generally sober and correct. And while much concern was manifested about speculative sentiments, and the external forms of religion, which, in the opinion of enlightened men, are of little moment, a wise care was also displayed, by providing for the education of children of all classes in the colony. Intemperance was punished, and all excess and extravagance were discountenanced. Those in power were religious characters, and generally were examples to the common people, by their virtuous and sober conduct. Efforts were also made, at this period, to instruct the Indians in the knowledge of the gospel, at Newton, Stoughton, and afterwards, at Natick, by Mr. Elliot, of Roxbury; while Mayhew was already laboring at the Vineyard, in the same benevolent work.

During the political disputes in England at this period, which so much excited the feelings of the people in that country, the colony of Massachusetts carefully avoided all interference; and, with great prudence, warned the inhabitants from engaging either against the king or the parliament. No doubt they really wished success to the cause of liberty, but they did not feel obliged publicly to declare themselves against either party.

In 1646, a synod was held at Cambridge, by recommendation of the civil authority. This was the second in the colony; the first was in 1637, and was called to consider the alarming prevalence of antinomianism and fanaticism. The synod in 1646, was for the purpose of settling some form of church government and discipline, and to prepare a confession of faith for all the churches in the country. There were various supposed heresies then beginning to prevail, which it was thought should be suppressed; and some attempts were made to have a presbyterian form of church government. The result, as to church government, was favorable to the

congregational form, as already maintained in Massachusetts and Plymouth; and the doctrines professed were such as the puritans had then long received. Objections were made to the manner of calling the synod, which was by order of the General Court. The court explained, "that they meant only to recommend or advise;" and this explanation was satisfactory to those who were jealous of the interference of the civil power in ecclesiastical affairs. The synod did not finish its labors, and report, till 1648.

The laws enacted, and in force in the colony, after having been carefully collated, and revised by committees of the General Court and several clergymen, were this year printed at Cambridge, for circulation among the people. An abstract of the fundamental laws of Massachusetts, prepared or collected by Rev. Mr. Cotton, and Governor Vane, in 1636, was published in England in 1641; but it does not appear that they were printed by order of the colonial government.\*

The first instance of pretended witchcraft in the colony, which arrested the notice of the civil authority, was in 1648; when a Mrs. Jones was condemned and executed on a charge of that diabolical act. It is, truly, a subject of astonishment, that the belief of the black art should have prevailed with the learned men of that time; and that such frivolous stories and circumstances should have been received as evidence.

By the death of Governor Winthrop, in 1649, Massachusetts sustained a severe loss. He had been the principal character in the colony, from its first settlement in 1630. Alike firm and mild in his disposition, he was qualified to govern with decision and clemency. His was the popularity, which arises from the approbation of the intelligent and virtuous in the community; but he never sought for popular applause by flattering a party, or forbearing to do what the public good required. Dudley succeeded him; and he had the public confidence for his integrity and disinterestedness; but he was less tolerant than Winthrop, and wanted somewhat of the prudence and discretion of that truly eminent man; and Endicot, Bellingham, and Bradstreet, still remained to assist in directing the public affairs of the colony.

The colony of Plymouth, during several years, had slowly

\* There is some difficulty in deciding when the laws of Massachusetts were first printed, as the early writers give different dates on the subject. It appears, that there were several orders for collecting them for publication; but that they were not printed till 1648, according to Johnson and Hutchinson. Hubbard says in 1654; and Minot, in 1658. Perhaps there were separate editions at these periods. Johnson gives the reason, "that they might be seen by all men."

advanced in population and wealth. They built some vessels in this time, and had trading houses on the Kennebec and on Connecticut. For many years, both the executive and legislative authority were in the hands of the governor and assistants. But now (1646,) a house of representatives was added to the legislative body, consisting of two from each town. This continued till the usurpation of Andros, in 1686. They were almost invariably on terms of amity and friendship with Massachusetts, of which they became a part in 1692. They were always ready to afford aid to each other; and friendly intercourse was dictated alike, by public interest, and sympathy in religious views.

In the time of the commonwealth of England, Massachusetts had little concern, as to complaints for its exercise of political power to any extent; and the maintenance of order and peace in the colony made it necessary for them to assume all the authority of a sovereign state. They had always made war and peace with the Indian tribes, without asking the sanction of England; they had denied the right of appeal to that government, and had enacted laws, which, if not directly repugnant to those of the parent state, were of a very different character, and were obnoxious to those in power in the kingdom. They now coined money, for circulation, which had been considered an exclusive prerogative of sovereignty; and which indicated no other authority over that of Massachusetts. The coin was issued for several years, but all bore the date of 1652. But after the restoration of Charles II. this measure was enumerated in the catalogue of complaints against the colony.

A misunderstanding arose between Massachusetts and Connecticut, a few years after the confederation, in which the conduct of the former was generally censured. Connecticut had required a small duty or custom on goods carried out of the river, for the support of the fort at its mouth. Massachusetts complained of this, particularly as it was a tax on their trade from Springfield. In revenge for this measure, Massachusetts demanded a duty of the vessels belonging to all the colonies trading with Boston. Plymouth and New Haven complained of this act, as oppressive and unjust; and in 1650, the order of Massachusetts was rescinded. At this period, Massachusetts was far the most able colony; more powerful than all the others united. And in all associations of men, the strongest has dictated, more or less, to the weaker. The proportions of the sum of £1043, levied on the four colonies, for the benefit of all, were as follows, viz: Massachusetts, £670; Plymouth, £128; Connecticut, £140; and New Haven, £104.

The subject of a treaty between Massachusetts and the French governor of Canada, was in agitation, in 1658. A proposition was made to the government of Canada two years before, for maintaining a mutual trade. The French were so much pleased with the proposal, that they now expressed a desire to establish a treaty, not only to regulate trade between them, but for the purpose of an alliance with Massachusetts and Plymouth. The subject, affecting all New England, was referred by Massachusetts to the commissioners of the united colonies. The French were desirous of the aid of the English against the Mohawks, and the six other Indian tribes in their vicinity. And unless a treaty of alliance should be formed, they declined making any agreement respecting commerce. The commissioners, though ready to enter into a friendly intercourse, as to trade, were not willing to agree, at that time, to the proposed alliance.

The political disputes, and the internal wars of England, which were followed by the death of Charles I., who was beheaded in 1649, directed the attention of that government from the proceedings in the colonies, and prevented the plans which had been proposed for ruling them in an arbitrary manner without regard to the powers and rights secured to them by their charters. This state of the parent kingdom permitted them, for several years, to exercise all the powers which had been granted them; and, in some respects, those powers were exceeded, and the authority of the king and parliament almost entirely disregarded. Still, they were in fear of the exertion of political power from the parent government; and claims were often set up, though not put in force, inconsistent with the rights they contended for, and had assumed.

Massachusetts was subject to alarm from the government of England, in the days of the commonwealth, as well as in the reign of Charles I. The parliament meditated a new charter for the colonies, and authorized the council of state to appoint governors over them. It was proposed, that warrants should be issued, and the courts held in the name of the parliament of England (or of a council by them appointed.) This was considered as prostrating the authority which the colony had a right to exercise; and which it had exercised even in the life of Charles I. Massachusetts remonstrated against these projected measures, through their agent, Mr. Winslow, of Plymouth, then in England, and pleaded the royal charter, which permitted them to have a governor and magistrates of their own choice, and laws of their own making, if not repugnant to those of England; and that they had emigrated, settled, and

maintained the colony, without cost to the parent state. They said "they were able enough to have lived in England, and had removed to a wilderness, to escape ecclesiastical persecution; and, if their hopes were now blasted, they should have cause to say, they had fallen on hard times, and must sit down and sigh out too late repentance for coming hither." The parliament did not then proceed any further in the meditated plan. In conformity with these views of a qualified independence, when there was war between England and Holland, in 1652, they informed Cromwell, that they considered it their duty to remain at peace with the Dutch in America. Massachusetts chose, indeed, to call it an offensive war on the part of England; and though the commissioners of the other colonies declared the causes for war sufficient, they insisted, that they were not bound, in such case, to observe their directions. In truth, this colony did not consider itself in danger from the Dutch, at that time. But the year following, when it was recommended by Cromwell, whose favor they wished to retain, to engage with the other colonies in the war on the Dutch, they made preparations for that purpose; but peace soon took place between the two nations. The general court were careful to assert their rights, even in the order to authorize the raising of troops at this time. They said, "that they desired to keep in grateful remembrance the Protector's favorable regard to the colony, and should be always ready to attend to his Highness' pleasure, wherein they might, *with safety to the liberty of their consciences, and the public peace and welfare.*"

The chief reason, with the colonies of New England, for war against the Dutch near Hudson river, was their alleged instigation of the Indians against the English. The Dutch had great influence with the Narragansett and Niantick tribes, and with the Indians on Long Island; and these were often committing petty hostilities on the English settlements. Their depredations were such, that the commissioners of the four colonies concluded to send a military force to quell them. Major Willard was appointed to command. But his conduct was not marked by the energy or success expected, and he received the censure of the commissioners for his inefficiency. These two tribes were not sufficiently powerful, however, to put the colonies in great danger. Had the Dutch, as it was alleged they attempted, excited all the Indians in New England, and adjoining territories, to unite against the English, they might have entirely broken up the settlements.

Another execution for witchcraft took place in 1655, to the



great reproach of the judges and others of that period, and a lamentable instance of human weakness and credulity. Mrs. Hibbins, the widow of a very respectable character, who had been assistant, an agent for the colony to England, and an eminent merchant, was tried on the charge of being a witch; was declared guilty and executed. Mr. Hibbins lost his estate, and left his wife poor. She did not bear this reverse of condition with due christian resignation, but became very querulous; and her frequent complaints and repining habits rendered her an annoyance to her neighbors. It is strange, that even an excess of this unhappy temper, should have subjected her to the charge of witchcraft. But there was, in fact, no greater proof against her, unless conjectures and prejudices were allowed to be proofs. Her conviction led one to say, "that the charge was made because she had more wit and shrewdness than her neighbors."

When the religious character and views of the early inhabitants of New England are duly considered, it will not be a matter of surprise, that they discouraged luxury and extravagance publicly in every form. Governor Winthrop and others, his associates, set examples of sobriety and economy, which were long followed; and all superfluity in dress was expressly discountenanced. In 1651, the general court passed sumptuary laws, and while they admitted the difficulty of legislating on the subject, they said they considered it their duty to recommend a sober and temperate use of riches. A law was also passed, in 1655, to encourage "the useful occupation of spinning."

Several towns and settlements in Maine, and within the territory claimed by Sir S. Gorges, were induced to put themselves under the jurisdiction of Massachusetts. Gorges and his friends complained that improper measures were adopted, by the rulers in that colony, to bring about this union. A portion of the people in Maine were willing to become united to the government of Massachusetts; but its proceedings, in this case, as in some others, did not escape the charge of being arbitrary and unjust. Afterwards, the commissioners of Charles II., in 1664-5, on complaint of Gorges' heirs, ordered Massachusetts to relinquish its claims; but it continued its pretensions till 1691, when Maine was included in the new charter for the province.

At this period, (1654-5) the navigation and trade of Massachusetts were in a prosperous condition. With all the difficulties the people had encountered, such were their enterprise and industry, they had extended their commerce; and their exports were so great that they could purchase, with the pro-

ceeds, all that was necessary to their comfortable subsistence, and promotive of a gradual improvement. In the time of the commonwealth, and of Cromwell, acts of parliament were passed, regulating trade with and in the colonies. During the reign of Charles I., restrictions were imposed on the colonial trade, for the purposes of a revenue for England, which were oppressive, and justly considered a monopoly. In many respects, these regulations were rendered less oppressive, and some dispensations were granted for the relief of the colonies. Free trade was in a great measure allowed. The vessels of Massachusetts traded to Dutch, Spanish, and French ports. Its commerce was then the chief source of wealth.

In 1656, the lord protector meditated the wild plan of removing the inhabitants of New England to Ireland, or to Jamaica. This was as unaccountable a project, as any one planned by those who have suddenly risen to power in modern times. Perhaps the possession of great authority, unexpectedly obtained, intoxicates the mind, and naturally leads to impracticable and extravagant projects. But the people were too wise to listen to the proposal. They had become attached to the soil and climate, by a residence of twenty-six years; and some were ready to suppose, that they would, in no other place, so fully enjoy their religious rights and principles. Mr. Leverett, then agent for the colony in England, and afterwards governor, satisfied the protector that such a project would not be favorably received; and Cromwell forbore to urge it. Leverett was highly useful to the colony, at this period, in vindicating the character and conduct of its rulers, as to various complaints preferred against them by their political enemies. Leverett believed he had great influence with Cromwell; others, of different views, boasted also of his favor towards them. If not a hypocrite, the protector could, certainly, flatter and dissemble. It is evident, however, that, for some reasons, whether it were esteem for Leverett, or real regard for the rulers of Massachusetts, he was particularly favorable, in many instances, towards the colony.

The conduct of the government of Massachusetts, in 1656, is justly liable to censure, for the severe treatment of the Quakers, who had then recently come into the jurisdiction. They were undoubtedly reprehensible, for their intrusion into the colony, without permission; for their turbulent conduct to the governor and magistrates; and for their profanation of the Lord's day and worship. It is to be remembered, also, that they were ordered to depart the jurisdiction, and not to visit it again. But after a legal banishment, and warning of the fate

which awaited them, if they returned, they came again into the colony, and were highly disorderly, in opposing the authority of the rulers, and in disturbing and ridiculing the mode of worship observed by all the churches. Before their return, a severe law had been made against them. And when they again came and remained in the colony, and persevered in their disorderly behavior and gross heresy, as it was called, several of them were imprisoned, and two suffered death. No one will doubt that their conduct was highly reprehensible and imprudent; and perhaps not the legal right of the government to banish them from their territory, purchased, defended, and maintained chiefly for the enjoyment of their own mode of worship; but no justification can be found for the punishment of death, or of imprisonment. The Baptists were treated with almost equal severity; and laws were enacted to banish or suppress them. A few years after, directions were given by the parent government, to forbear persecutions against the Quakers, and other sects, which had been so unjustly and cruelly treated; and from regard to these instructions, as well as from their own maturer reflections, they refrained from such acts of severity. The Quakers and Baptists, being free from persecution, became more regular and correct in their deportment; and were justly regarded with far more favorable sentiments by the rulers and the people.

Though such conduct is not singular in the history of man, even among pious professors, it deserves severe rebuke; as it is alike inconsistent with the spirit of the gospel and a wise policy in civil governments. And it is matter of surprise with enlightened men, that christians should ever so much mistake the genius of their religion. The charter declared, that there should always be liberty of conscience, in matters of religion. There was also an early ordinance of the assembly of Massachusetts, that all strangers, professing the christian religion, who should flee to the colony from the tyranny of their oppressors, should be succored at the public charge. But this seems to have been applied only to those of the same religion, faith, and modes of worship. Another order of a similar character was adopted in 1641, "that no injunction should be put on the churches, or members thereof, as to doctrine, worship, or discipline, besides the institution of the Lord." But this liberal decree was sadly disregarded, or misapplied.

The efforts, which were made in 1646, to disseminate the knowledge of the gospel among the Indian tribes, were continued, with great zeal, in various parts of the colony. Several clergymen devoted much time to this benevolent object; and

eminent laymen gave their assistance to promote the design. By the influence of Governor Winslow, of Plymouth colony, a society was formed in England, to further this good work. Rev. Mr. Eliot, of Roxbury, labored more abundantly than any other, except Mayhew, of the Vineyard. The result of their early labors gave promise of great success, which was never fully realized. There were, indeed, many cases of faith and conformity to the gospel; but after nearly thirty years of missionary service among them, Eliot lamented, "that it was a day of small things with them." It is difficult to pronounce whether this want of success were owing to the obstinate habits of the Indians, and their aversion to the manners of civilized society, or to the disputes among the professed disciples of Christ, and the immoral conduct of many who assumed the name, without the spirit of christianity. Exertions have been also made in later times; but with no greater success. The Indians of North America are more ready to imitate the vices than the virtues of those who call themselves christians.

If the clergy, sometimes, gave their opinion and advice on political subjects, the magistrates and laymen considered it their duty to regulate, in some measure, ecclesiastical proceedings, and to provide for the order and peace of the churches. This will not create much surprise, when it is recollected, that they were all religious characters, and that one great object of the settlement was to enjoy the worship and ordinances prescribed in the gospel, as they interpreted it. And yet they constantly disclaimed such a close connexion between the church and state, as existed in England. It is not to be denied, however, that in many instances, their practice was not strictly conformable to their theory. An order of the general assembly provided, that in calling and settling a minister, the approbation of some magistrate in the vicinity should be obtained, as well as that of the neighboring clergyman. And some cases occurred of the interference of the civil authority in the ordination and continuance of ministers, till satisfaction was given of the regular proceedings of the church and of the sound doctrines of the preacher. But it was soon found to be in vain, and worse than vain, to produce entire uniformity, as to articles of faith, or as to church government, and modes and forms of outward worship. Wherever there is freedom of inquiry on theological subjects, or as to the rites and forms of religion, there will be some differences of opinion. But as this diversity of sentiment is not really unfavorable to the peace of society, nor to christian piety, persecution must be condemned, and an attempt to have perfect agreement of opinion hopeless.

Not only were different sects persecuted in Massachusetts, at this period, but individuals of the congregational churches were also censured for the expression of opinions at variance with the commonly received articles of faith. A member of a church was censured for his opinion, that the church of Rome was really a christian church. Mr. Pynchon, one of the first settlers of the colony, long an assistant, and the founder of Springfield, was severely rebuked for publishing a tract, in which he contended, that the sufferings of our Lord were trials of his virtue and obedience, rather than a vicarious sacrifice, according to the prevailing faith. He made a partial recantation of his error; and his treatise was ordered to be burnt. Afterwards, however, he explained his recantation: which showed that his sentiments were not materially changed. Mr. Pynchon was among the eminent men who contributed to the establishment of the colony. But whatever was *supposed* to be error or heresy, was sure to be visited with severe reprimand, however distinguished the individual who broached it. The principle was truly republican, but the application, in cases of speculative opinions, was alike unchristian, and unreasonable.\*

The growth and condition of the colony, in 1655, about twenty-five years from the arrival of the large company with Winthrop, in 1630, may be in some good measure estimated, by a reference to the records and publications of that period. The number of incorporated towns were then forty-four or forty-five,† and of churches, forty-six, within the jurisdiction of Massachusetts, including, probably, a few in the territory, afterwards a part of New Hampshire. And in Plymouth colony, there were ten or eleven towns, and as many churches. The college at Cambridge was fostered by the government; and at this period, in addition to former grants, two thousand acres of land were given to that seminary. Public schools, for the

\* It was observed by the celebrated Dr. Owen, about this period, "that he would not be a rival to the theologian, who could boast, that in fourteen years, he had not altered or improved his conceptions, touching some things in religion." This was said to one who was very positive and dogmatical, and who censured all further inquiry, or change of opinion after such examination.

The following declaration of an early and eminent settler in Massachusetts, will show the views entertained as to liberty of conscience. "Above all things, God has blest us, in giving us his own ordinances; and our endeavor is to have his own institutions, and none others; and these in their native simplicity, without any human dressings; having liberty to enjoy all God's commands, and yet urged to nothing more than he commands."

† Northampton and Hadley were settled in 1656, in consequence of some religious contentions in the churches at Hartford, and Windsor, in the jurisdiction of Connecticut.

education of youth of all classes, were also required by law; and generally, the order was faithfully observed. A large majority of the inhabitants, as well as of the rulers and ministers, were fully convinced of the necessity of learning, to fit men to advocate the cause of religion, and to be useful and estimable citizens.

After 1642, when a large number came from England, and settled in Massachusetts, the emigrations from the parent country were far less than in former years; and many left the colony to reside in their native country. A great portion of those educated at the college in Cambridge, during the period of 1642 and 1658, visited England, and there took up their residence. Several of these were eminent in that country, as preachers of the gospel; and most of them were persecuted and ejected from their churches under Charles II., in 1662, and subsequently.

The population of the colony could not have been less, at this period, than forty thousand. In 1641, it was estimated at twenty thousand and upwards. The natural increase, with the emigrations, though these were not so great as at a former period, would probably make the numbers double in fifteen years. The greater portion of the inhabitants were farmers. Fifteen thousand acres were then under cultivation, in the colony, for tillage and pasturage, and one thousand acres appropriated to orchards. Grain was now exported, as well as lumber, spars, and fish. Hence a profitable trade was supported to foreign ports; and the merchants became very opulent. And their enterprise and success could not fail to give employment to various mechanics and artisans, whose individual and united labors served to increase the general prosperity.

## CHAPTER IV.

Dudley Governor—His Death—Endicot, and Bellingham—Liberty in the Colony in danger, on the restoration of Charles II.—Policy of Massachusetts—The Regicides—Charges against the Colony—Agents sent to England—King's Letter and Requirements—Ecclesiastical Affairs—Baptism, Independence of Churches—Baptists oppressed—Chauncy President of College—His Opinion on Baptism—Schools in Plymouth—Commissioners from England, with great powers—Their Reception in Massachusetts—Letter to the King, and contend for Charter Rights—Dispute with Commissioners—Treatment of Commissioners in Plymouth—Religious Liberties—Commissioners in Maine—King dissatisfied, and orders Agents to appear before him—Bellingham, and Willoughby—Troubles in England—Trade and Navigation—Disputes in the Churches in Boston.

AFTER the decease of the very worthy and honorable Governor Winthrop, in 1649, Mr. Dudley, and Mr. Endicot, were, alternately, the first and second magistrates for some years; but in 1653, Governor Dudley died, at an advanced age; and Mr. Bellingham, and Mr. Endicot, filled these high offices, for nearly twenty years; Endicot, the greater number of years, during the first part of that period; but, on his death, Bellingham was governor for eight successive years, till Mr. Leverett was elected, in 1673. The education of Bellingham was superior to that of Endicot; but the latter was equally the favorite of the people, though very rigid in his religious views. He was well fitted for bold enterprise, and was, probably, more of a *practical* man than Bellingham. The character of the latter for stern integrity was his highest praise.

On the restoration of Charles II. to the throne of his fathers in 1660, the colonies of New England were exposed to new dangers. They had reason to apprehend, from his political advisers, the exercise of arbitrary power, which would interfere with the rights secured to them by their charter, as they construed it, and with that degree of self government, which they had hitherto, generally, enjoyed. Attempts had been often made, indeed, before that period, to deprive them of the political power derived from that instrument. But, from various causes, these designs had proved, in a great measure, ineffectual. They had been exposed to the intrigues of personal and political enemies; but by the vigilance of the government and the ability and fidelity of their agents in England, aided by some able friends in that country, they

had maintained, with some occasional interruptions, their civil and religious rights, to the fullest extent. They had even exercised a higher political authority, on some occasions, than the royal charter intended, or clearly granted: and yet they always referred to this instrument, in connexion with their rights as British subjects, in justification of their proceedings. Thus there was almost a constant effort, by the parent government, to keep the colony of Massachusetts in due subjection; and by the rulers of the colony to extend their civil powers, under the sanction of the royal charter.

The disputes in England, for several years, between political parties there, prevented that degree of attention and legislation over the colonies, which, no doubt, would otherwise have been extended to them. Neither the political sentiments of the king and his ministers, nor the interested designs of parliament, the chief object of which were the strength and wealth of the whole kingdom, permit the supposition, that Massachusetts and the other colonies in New England would have been allowed the exercise of the powers they claimed and assumed, but that affairs of state in England demanded constant attention. For the latter part of the reign of Charles I. from 1645 to 1650, the parent government was engaged in maintaining its own immediate powers, against the efforts of those who would limit and restrain them. The protector possessed great energy of character; and it was his object to raise both the glory and the terror of the commonwealth. For this purpose, he was disposed to keep the colonies in due subjection, and to preserve the unity and strength of the whole nation. On some occasions, he manifested a disposition to legislate for the colonies, as much as Charles had done. But from motives of policy and reasons of state, he did not proceed to recall their charters, or to limit their former powers. When the government reverted to the Stuart dynasty, the people of Massachusetts, and of the neighboring colonies who had similar views of their charter rights, had too much discernment not to fear the exercise of power in the government of England over them, which might be highly injurious to their liberties. They understood the doctrines of legitimacy and the claims of unlimited power by the friends of the Stuart family too well, to expect the continuance of their charter rights and privileges, to their full extent, without a struggle. In this critical situation, they took counsel of prudence and of their better judgment; resolving, however, if possible, to maintain their freedom to the last. Whatever were their private wishes and feelings, they had



forborne to exult publicly, at the defeat of the king, or the elevation of Cromwell. They manifested towards the protector none other than proper respect for the chief ruler of the nation ; and when his son came into power, they declined or omitted to recognise him by any formal act. But as soon as it was known that Charles II. was restored to the throne, they proclaimed him as their rightful sovereign. This, however, was done with apparent caution, and not until they had official notice of the fact ; for, as before stated, they had just cause, from the conduct of his father, to anticipate the heavy hand of arbitrary power.

After Charles II. was quietly seated on the throne, by advice of their able and prudent agent, Mr. Leverett, then in England, the General Court forwarded a respectful address to the king and parliament. It was towards the close of 1660, that the measure was adopted. At a meeting in June, when it was proposed, on the first report of his restoration to the crown, the motion did not prevail ; a proof, either of reluctance in acknowledging him, or of doubt as to the continuance of his royal power.

The views of the leading characters in Massachusetts, as to their civil and political powers, not only at that particular juncture, but for a long period both before and after that event, will fully appear, by referring to a declaration of the general assembly, solemnly made and published in June 1661 ; being the report of a large committee of that body, appointed 'to consider matters of public concernment, as to our patent, laws and privileges, as well as our duties to the king.' The report stated, that they considered the patent, under God, as the foundation of their civil polity here, by a governor, assistants and their representatives ; and that the government, so organized, should appoint civil and judicial officers, and define their powers and duties ; that it had just authority to make laws for the direction and control of the people, both in civil and ecclesiastical affairs, without appeals to England, except as to such as should be alleged to be repugnant to the laws of parliament ; that it had a right and was bound to provide for the defence and welfare of the colony, and the due execution of the laws ; and that all impositions prejudicial to the colony and contravening just laws here made, were an infringement of their rights. At the same time, they acknowledged it to be their duty and their purpose to uphold the royal authority, and to seek the prosperity of the whole kingdom ; to refuse aid and protection to the enemies of the crown, and to spread the knowledge of the gospel among the heathens, according to the doctrines of Jesus Christ.

Soon after this address and declaration, two persons who composed the tribunal by which Charles I. was condemned, came into Massachusetts; and at first were treated with attention and respect by Governor Endicot; but when the proclamation of the king, for their arrest, was received, it was soon published in the colony, and attempts were made to apprehend them. They fled, or were secreted; and afterwards were kept in private places by their friends, both in Massachusetts and Connecticut; and thus escaped public execution, as murderers of their king.

Endicot and Bellingham were in office, at the time; and neither, probably, made greater efforts to apprehend the regicides than their stations as magistrates required of them. Both these characters were obnoxious to the king and his ministers, for their republican principles; and it was even intimated, by some of the king's council, that it would be agreeable to his majesty, if Endicot were left out of the high place in the government, which he then held.

Soon after, orders were received from the king, for the colony to answer to complaints which were made against its proceedings during several years then passed. Among these were charges of intolerance towards the episcopalians in the colony, and of severe persecutions against the sect of Quakers. A general charge was also preferred, of exercising powers of government not warranted by the charter, and of unjust interference with the people settled on lands claimed by Mason and Gorges, in New Hampshire and Maine. Two agents were appointed by the general court, for the purpose of defending the colony from these weighty accusations. These were Hon. Simon Bradstreet, and Rev. John Norton, who were instructed to assure the king of the loyalty, both of the people and the magistrates; to plead for the continuance of their civil rights; to answer complaints which might be made against the late proceedings in the colony; but to do or consent to nothing prejudicial to their charter privileges.

The agents met with a more favorable and gracious reception in England than had been feared; and on their return, were bearers of a letter from the king, which, in some points, was satisfactory to the people; but, on others, was not of a character to allay their apprehensions as to the future. In this letter, the king promised to confirm their charter, and to continue to them the rights and privileges which it granted; but he also declared his expectation and desire, that the episcopalians in the colony should enjoy perfect toleration in their mode of worship, and that they would refrain from all mea-

asures of severity against the Quakers. He condemned their conduct, as it was represented to him, but disapproved of the cruel persecutions which had been exercised upon them. It was further signified to be his royal pleasure, that the laws of the colony should be revised, and that such as were derogatory to his authority should be repealed; that an oath of allegiance to him should be taken; that justice should be administered in his name; and all men of honest and moral deportment should have the privilege of the ordinances of the gospel. To most of these directions, the general court voted to submit, probably, with some misgivings; but they expressly claimed the right to regulate all ecclesiastical affairs, and to decide as to the worship and discipline of the churches. For the maintenance of the faith and worship, and the church government, which they had done and suffered so much to enjoy, they boldly contended; it was a peculiar privilege, which they resolved never to forego or relinquish.

Under all the political contests of the colony with the parent government, which occupied the attention of the people, the concerns of the church were not disregarded. And it was to be expected that peculiar care would be bestowed in regulating religious worship and ordinances, by men whose chief object was the maintenance of christian faith and rites, as they believed revelation directed. Undoubtedly, they erred in requiring every one to conform to their peculiar views, and it may be matter of surprise, that they should have oppressed those who dissented from their opinions, as to forms of worship and speculative tenets; but as their principal purpose was to make the gospel their rule of life, and to build up a society of christians, it was in character for them to be careful in preventing the introduction of supposed errors, and in providing for the purity of the church.

In 1662 a synod was convened at Boston, to decide who were proper subjects of christian baptism; and whether any children, except those whose parents were members of the church, were entitled to receive that ordinance; and also to determine on the propriety or expediency of a consociation of churches. The professed design was to inquire what the New Testament taught on these subjects. This was the third synod in Massachusetts; and it was held in pursuance of a recommendation of the general court, to which the result was to be reported. It was decided, but not without some dissenting votes, that the children of those who made public profession of their faith in the gospel, and were of sober life and conver-

sation, though not members of a church in full communion, might receive christian baptism. This was a subject of dispute for several years after; many of the ministers opposed the innovation, as they called it; and in some instances it was the occasion of a division of churches. On the other subject submitted, the synod gave the following opinion: "that each and every church has full power within itself, to administer the ordinances, and to regulate its own concerns, and is not necessarily subject to any other ecclesiastical tribunal; yet, that occasional association of neighboring churches, and advice asked and given, in cases of difficulty, would be proper and useful."

At this period, a church was formed by the Anabaptists; but as this movement was in opposition to a law of the colony, the members were summoned before the magistrates, and forbidden to proceed in establishing such a church within the jurisdiction. Persevering in their purpose, some of them were imprisoned and some banished. But the government of England soon after requiring a toleration of other sects than the congregational, the baptists were then permitted to remain, without direct persecution; and yet their situation, for many years after, was little other than that of positive oppression by the civil authority. This conduct appears the more surprising, on recollecting that the most eminent clergymen in the colony had different views on the subject, from the early days of its settlement. The learned Mr. Chauncey, president of Harvard College at this period, was of opinion, baptism should be by immersion, though he held to the validity of infant baptism; and Mr. Dunster, who was at the head of that seminary before Mr. Chauncey, and equally eminent as a scholar, did not believe there was any scripture warrant for baptizing infants. His opinion on this subject operated, indeed, against his popularity and usefulness, but did not subject him to actual persecution.

More efficient measures were adopted by the colony of Plymouth, in 1663, than had been before taken, for the maintenance of public schools in all the towns within the jurisdiction. Governor Prentice exerted all his personal and official influence in favor of this order. His education was not the most liberal; but he had the merit of acquiring much useful knowledge, and he justly appreciated the advantages of schools for all classes of people. Perhaps he exerted a greater influence in favor of education, as some fanatical individuals in the colony, at that period, denied the benefit of all human learning, and substituted a pretended spiritual light, as a sufficient and sure guide.

Rev. Mr. Eliot, of Roxbury, the zealous and devoted teacher of the native Indians, this year, completed his translation of the

Bible into their language; which was soon after printed and circulated, at the expense of the society in London, for propagating the gospel among the aboriginal tribes in New England.

The colony had alarming proofs of the activity of its enemies, and of the disposition of the parent state to interfere with its concerns, in a degree not compatible with their charter rights, by the arrival of four commissioners, appointed by the king, in 1664, with a supervising power over the colonial governments. One professed object, indeed, was to obtain aid from Massachusetts to reduce the Dutch, on Hudson River; but they were authorized "to hear and determine any and all complaints, whether relating to titles and claims for lands, to ecclesiastical discipline, or to an undue assumption of power in ordinary civil affairs," which the discontented and factious might profer; and to decide according to their own will and judgment, in opposition to the judicial and legislative authority in the colony. This was justly considered to be in derogation of the powers of the government recognised and provided for in the charter, which the king had, only two years before, declared he would confirm and continue.

The governor and assistants (or counsellors) held a meeting immediately, and concluded to call an extra session of the general court. The men required were raised, to go against the Dutch; but not being afterwards called for by the commissioners, they did not proceed on the proposed expedition. It was also ordered, in compliance with the royal request, that other than church members should be admitted freemen in the colony. As to the other requisitions of the royal commissioners, especially in submitting themselves to their judgment and sentence, and thus recognising in them a power superior to the civil authority of the colony, they voted to postpone a definite answer. They saw the effect of such a recognition and submission, dangerous alike to their religious and civil rights; and they chose even to risk the displeasure of the king, whose ultimate authority they did not deny, to an act which would have entirely committed all their civil rights, as a government, for the future. It was a bold stand, and many of the more prudent, or timid, disapproved of it.

The commissioners departed for the Dutch settlement on the Hudson, and did not return to Massachusetts till the next spring. But in the mean time, the general court forwarded an address to the king; in which they referred to their great sufferings in settling the colony and maintaining it, at their own costs; to the provisions of their charter, which they feared would be violated by those appointed to decide on past acts of

the government, according to their own mere will and pleasure, one of whom, at least, was an old and avowed enemy of the colony. They stated the incompatibility of the authority, claimed by the commissioners, with the powers granted the Massachusetts company by the royal charter. In the address, they professed allegiance to the crown of England, and humbly cast themselves on the king's grace for a favorable judgment.

On their return to Boston, the commissioners requested that all the freeholders in the colony should be summoned to assemble before them, which was declined, though no order of the general court or of the assistants was issued to forbid it. An order was then issued by the commissioners themselves, for the people to assemble, which was generally considered an arbitrary and impolitic measure. In other respects, some of the commissioners were rude and haughty in their treatment of the magistrates.

This commission grew out of numerous complaints against the colony, some of which probably were just: but the measure was unfortunate; and an order for agents from the colony to answer complaints, before the king and his grand council in England, would have given less offence, and been more consistent with the character of a liberal government. It was an observation of Lord Bellamont, in 1699, who was some time governor of Massachusetts and of New York, "that he had great respect for the king's prerogative, but wished for some check to the caprice of his agents and officers; some of whom were presumptuous in disregarding the laws, and governing in an arbitrary manner; being far from the eye of the government in England, they feel sure of impunity for their oppressions."

These commissioners, with the exception of Col. Nichols, manifested such an arbitrary and overbearing spirit, that they were very odious to the people, who considered them as the friends of the complainants, and decided enemies to the liberties they enjoyed under the charter. Had the colony submitted to the full exercise of powers assumed by the royal agents, the government would have retained but the shadow of authority, and it would have been extremely difficult, if not impossible, at any future period, to have opposed successfully the most oppressive and arbitrary measures of the British ministry. The smaller colonies looked to Massachusetts to make a firm stand, in that day of trial. Still, if in declining to comply with the requisitions, and to submit to the authority of the royal commissioners, they had not been prudent and moderate in their proceedings, and loyal in their addresses to the king, in which they were undoubtedly sincere, they might have been crushed

at once by a superior force, which the royal resentment would have ordered. In Plymouth colony, the commissioners were more submissively received, whether they were more conciliating in their conduct, or the complaints against that government had been few, and not of such a serious nature as those made against Massachusetts, does not appear. Perhaps, both these causes had an influence; but Endicot was a very different character from Prence, at that time governor of Plymouth. Josiah Winslow, afterwards governor of that colony, was then one of the chief men, and was remarkably mild and courteous in his manners.\*

From Plymouth, the commissioners proceeded to the Narragansett country, to decide on the conflicting claims of individuals, and of the Indians, to the lands in that place; and then again visited Massachusetts, when they declared their purpose to proceed in the discharge of the duties of their commission in that colony. They said the king was graciously disposed towards the colonies, and declared that he had no intention to abridge the rights and privileges granted by the charter of his royal father. Their statements, both of the views of the king and of themselves, as his agents, were plausible, and to some, satisfactory; but by a large majority of the people, their demands were considered incompatible with the exercise of political

\* That Plymouth was discriminating and firm on this occasion, will appear from the reply of the General Assembly of that colony to the requisition of the commissioners, "that all persons of competent estate, of orthodox opinions, and not scandalous in their life and conversation, be admitted into the church, and enjoy all the ordinances of the gospel." "We acknowledge, (they say) that it is a great favor from God and our king, that we enjoy our consciences as to God's worship, which was the main end of transplanting ourselves into these remote corners of the earth; and should heartily rejoice if our neighbors, qualified as proposed, would join our societies, according to the order of the gospel, for the enjoyment of the ordinances to themselves and children; but, if, through different persuasions in some things, it cannot be obtained, we would not deny a liberty to any, according to your proposition, who are truly conscientious, though differing from us, (*especially when his majesty commands it*) they maintaining an able ministry for public worship and teaching, and withdraw not from paying their due proportion for support of ministers, orderly settled, where they live, till they have one of their own; and that in such places as are able to maintain the worship of God in two congregations: but that, where towns, owing to their paucity and poverty, are not able to support two, it is not intended by his majesty, that congregations already in being, should be rooted out, but their liberties preserved; there being other places to accommodate men of different persuasions in societies by themselves, which we find *tends most to peace and charity.*"

These are just and liberal sentiments, which have, in later times, been more fully admitted and observed. Plymouth was never so exclusive and persecuting as Massachusetts; but it suffered from fanatical and visionary men, who created divisions, and denied the importance of human learning in the preachers of the gospel.

power, to the extent hitherto enjoyed, and believed to be secured by their charter. They treated the governor and assistants, and the members of the general court, as entirely subordinate, and amenable to them for their conduct, touching which any complaints had been made. They ordered a rehearing of some cases, before decided in the colony by the proper tribunals; and summoned the whole government to appear before them, and answer on their public measures, alleged to have been arbitrary and unjust. After consenting to take the oath of allegiance to the king, as required, which public characters did, with a reservation by some, that it was not to infringe the liberties of the patent, and professing their readiness to refer all disputes to the king, as to their assumption of power and former acts, they declined to appear before the commissioners when summoned, as parties to a case before them; they objected to all interference with their religious institutions; and insisted that their charter justified them in the exercise of the civil authority, which they had assumed; and said they would cast themselves on God, and the royal clemency, for a favorable result.

One of the charges made to the king, in 1661, was, that they did not allow the Episcopalians to enjoy their peculiar forms of worship; to which they replied, "we have declared the main ends of our settling in a wilderness; which we should not have done, if we could have found a warrant in God's word, for that way of worship; and now to have the same set up here, will disturb our peace; we have therefore commended to the ministers and people the word of God for their rule." And they added, "it is our desire, and has been our endeavor, to give his majesty all due satisfaction, saving only our duty to God, and the privileges of our charter, so dearly purchased, so long enjoyed, and so graciously confirmed by his majesty."

The commissioners, afterwards, visited Piscataqua, and Maine, where their conduct seemed rather to disturb than to tranquillize the people; and though they declared the plantations there to be out of the jurisdiction of Massachusetts, the inhabitants chose to attach themselves again to that colony; not, however, without objections from some of them, and the influence of threats or intrigues from the general court.

On their return to England, the commissioners made report to the king, of the treatment which they received in Massachusetts, and took care to observe, that in Plymouth colony they met a more respectful reception. His majesty was much displeased that Massachusetts did not fully submit to the authority and requisitions of his agents; and ordered "five able and



meet persons, of whom Governor Bellingham should be one, (on their allegiance,) to appear before his royal presence, and make answer for refusing the authority of his commissioners."

This order caused great anxiety, and gave rise to much discussion among the public and leading characters in the colony. Some were disposed to yield entirely, and at once, to the royal clemency, and pleaded the danger of greater evils if they refused a prompt compliance. Others insisted on their charter rights, at the same time admitting the prerogatives of the crown, but doubting the policy of appeals either to the parliament, or to the ministers of the king.

No agents were sent, as the king had signified his pleasure to be ; but an answer was made to his majesty's letter, in which they promise to assist, according to their *feeble means*, both against the French and the Dutch ; but to march troops to Nova Scotia was not practicable ; they give the reasons why they could not submit to all the orders of the commissioners ; and say, that no agents they could send, would be able to explain their conduct more fully before his majesty.

It is difficult to decide, whether those who were for submission, without remonstrance, were too timid, or those who asserted their civil rights and powers, as declared by the charter, were too bold and obstinate. It is not unreasonable to suppose, however, that if the counsels of the timid, or the more prudent, as they have sometimes been called, had prevailed, the manly spirit of freedom, which was subsequently more fully displayed, would have been smothered, never again to burst forth in noble acts of patriotism and independence.

The men who took the lead in defence of civil freedom, and of the rights of human nature, at this period, were not fanatical, ignorant, or selfish. They did not expect to live in society without government ; nor did they aim at political aggrandizement. They were too well informed to look for order and justice in the community, without civil authority ; and they were so truly religious, that they would not complain of power in others, which they would willingly exercise themselves. It was, indeed, the influence of christian principles, and the strict moral discipline under which they had been educated by pious parents, which disposed and fitted them to be the able but temperate advocates of political freedom.

From 1665 to 1670, Mr. Bellingham was elected governor, and Francis Willoughby lieutenant governor. They were both men of education and talents ; and their public conduct, at once correct and popular. They were opposed to the English hierarchy, and firmly attached to the cause and interests of the

puritan dissenters. Bellingham was the most eminent, for his legal knowledge, as well as stern integrity ; but what has been recorded of Willoughby affords proof, also, of his worth. He was opposed to the severe treatment of the Baptists, but was a rigid puritan. He did not arrive in the colony so early as Bellingham by several years.

Difficulties had often occurred from claims set up, and the grants obtained of lands, at Piscataqua River, and further eastward, in Maine, and from the measures pursued, particularly by Sir F. Gorges and Mr. Mason, to settle and govern those parts of the country. Those about Piscataqua, and some settlements in Maine, chose, or consented, to be united to the jurisdiction of Massachusetts. The royal commissioners undertook, in 1665, to separate the settlements in Maine, at the request of a portion of the inhabitants ; and they withdrew from their connexion with the colony. Much disorder and trouble ensued. In 1668, the general court of Massachusetts again assumed authority over those settlements, being chiefly in what was called the county of Yorkshire ; not, however, without sending agents to learn the state and disposition of the people there, nor without previous application from many of the inhabitants of that territory, for such a union.

That the report of the royal commissioners to the king, of the opposition of Massachusetts to his and their authority, was not immediately followed by severe measures, on the part of the parent government, was probably owing to the difficulties which then existed in England, where political disputes were maintained between the friends and opponents of arbitrary power, with almost as much bitterness as in the latter days of Charles I.

At this period, the colony was in a state of uncommon prosperity. Its population, navigation, and wealth, had rapidly increased. The number of militia were estimated at 4,500 ; trade to foreign ports, to the West Indies, to Spain, and Portugal, and to the Western Isles, was extended, and gave great profits to the merchants. There were one hundred and thirty-two vessels, of various sizes, in the colony. Severe laws had been enacted, or revived, imposing restrictions on the trade of the colony, and requiring high duties ; but there was then no regular officer of the customs, and the laws were generally evaded. The fisheries and the lumber trade were the most lucrative.

In this state of worldly prosperity, and temporary exemption from disputes with the parent government, an excitement arose and agitated the legislature, the clergy, and the people generally,

occasioned by the formation of a new church in Boston. The settlement of Mr. Davenport, of New Haven, in the first church in Boston, was, for various reasons, opposed by a very large minority, who afterwards separated and formed another church. The chief objections to Mr. Davenport were his leaving his people at New Haven, without their full consent, and his rigid notions in refusing baptism to children, except those whose parents were members of the church. For this opposition to Mr. Davenport, and for separating from the first church, the seceders were censured by many, and the general court solemnly condemned them; while a large number of the clergy publicly disapproved of the conduct of the first church, and of Mr. Davenport. The interest taken in the dispute was so great, that it had an influence on the subsequent elections of representatives; and the result was that the majority in the next assembly was opposed to the vote of censure before passed. The magistrates and legislators, then, and from the earliest days of the colony, claimed to have a voice in ecclesiastical affairs; and their decisions, perhaps, were sometimes made under the influence of political and party motives. Such has often been the conduct of men in power, both in ancient and modern times.

## CHAPTER V.

War with Philip—He meditates the destruction of the English—War defensive on part of the English—Plymouth Colony most exposed—United Colonies raise Troops—Battle at Narragansett—War continued to 1676—Character of Philip—Col. Church—Death of Philip—Difficulties with Government of England—Claims of Gorges and Mason—Leverett, Bradstreet, Dudley, and Danforth—Claims of Power—Regulations of Trade—Randolph—Agents to England—Charter vacated, and Dudley appointed President—Andros arbitrary and oppressive—His Council—J. Mather Agent to England—Arrest of Andros and Randolph—Revolution—New Charter—Sir William Phipps—Expedition to Nova Scotia, and to Quebec—Failure—Expenses—Paper Money—Difference of New and Old Charters—Sir William Phipps first Governor—His Character.

IN 1675 began the formidable war with Philip, sachem of the Pokanokett tribe, in the Plymouth patent. Before this period, even from the expedition against the Pequots, there had been no hostile attempts by the native Indians, which excited general or very serious alarm. Massasoit, the father of Philip, was always friendly to the English, and so was Chikataubut, of Massachusetts, and his son. The other tribes were too small to venture any attacks on the English, whatever might have been their secret wishes. And many of these were evidently friendly to the colony, through the influence of Eliot, and other missionaries.

Philip had, indeed, been often found complaining of the English, before this period; and was known to have endeavored to excite the jealousy and hatred of other Indians against them. He had visited distant tribes for the purpose of forming a union among them, the whole force of which should be employed to extirpate the white men, who had obtruded themselves on the soil. He could complain however of no particular act of injustice or oppression; for the lands occupied by the English had been fairly purchased of the Indian chiefs, or entered upon and possessed, with their consent and approbation. If any had been wronged, on proof of the injury they always found redress. Individuals, indeed, made encroachments, on the Indian lands, if encroachments they could justly be called, by purchasing for trifling articles. But this was early forbidden by the government, and laws were passed for their protection and welfare. Still

Philip chose to consider the English as trespassers ; and he determined to make one great effort to drive them from the land, or to destroy them.

The merit of wishing to maintain, or to recover, the power of his tribe, and of making great efforts for that object, may be justly awarded to this brave and intelligent sachem. But his merit would have been far greater, had he been injured, as he pretended, and had there been any plan of the English to take from him the territory of his fathers by fraud or violence. Neither his father, nor the other Indian chiefs in New England complained of injustice on the part of Massachusetts or Plymouth governments ; and when complaints were made against individuals, they were readily received, and the wrongs fully redressed. When Philip was called upon to state the injuries done him or his tribe, or to explain his conduct in plotting against the English, and in attacking individuals, his answers were evasive and his statements often false. The English acted on the defensive and he was the aggressor ; unless it was just in him to destroy them or drive them by force from the territory, which they possessed by fair purchase, or the full consent of the natives. He caused some of the friendly Indians to be put to death, for giving the English information of his hostile plans and preparations ; he burnt the houses and destroyed the cattle of individuals, living at a distance from the older settlements. And many of the people were murdered by his orders, from a cruel spirit of vengeance, though under a pretext of former aggressions. Without measures of defence by the English, they would have suffered severely by savage ferocity ; and when they raised troops and proceeded to attack the Indians in their own territory, it was to protect defenceless individuals and to save themselves from destruction in their more compact settlements. The conspiracy he had attempted and in some measure effected, was as extensive as New England ; and included even the eastern tribes and the Mohawks of the west. He acknowledged he had no just cause for hostilities, and promised to be friendly ; but he continued secretly to prepare a powerful force to execute his plans of destruction. And it was not till they had full proof of his inveterate hostility and his disregard of promises often made, that the English concluded to raise troops to act against this insidious sachem.

The colony of Plymouth was most interested in the dispute with Philip, and its inhabitants most immediately exposed to his attacks. After he had thrown off all disguise, and committed many acts of barbarity and cruelty, Plymouth

sent some men under Major Cudworth to protect the settlers on the frontiers of the colony, in Swanzev and vicinity ; but little more was at that time attempted than for defence, or to learn the temper and purposes of the sachem. It was not the object at first to wage an offensive war against the Indians ; and the early military movements were made by Plymouth alone. While Cudworth advanced to Swanzev, captain Church appeared at Pocasset, (at or near the present site of Fall River) with a view to prevent a junction of the Indian tribes, which was intended by Philip.

In the mean time, it was known that the conspiracy of the Indian tribes, through the persuasions of the Pocanoket chief, was so extensive, and so matured as to endanger the safety of all New England, unless prompt and decisive measures were adopted to prevent their united action. Not only Massachusetts but the united colonies resolved to assist, and to consider the hostile attitude of the Indians a common concern. It was agreed to raise 1000 men, for the occasion ; Massachusetts to furnish 527, Plymouth, 158, and Connecticut, including New Haven, 315. This was in September, 1675. At a little later period, there was an order to enlist 1000 in addition to the former detachment ; thus making 2000 in all. This was done, on learning that the formidable tribe of the Narragansetts, which had hitherto professed friendship for the English, was engaged in the hostile combination formed by Philip.

Governor Josiah Winslow, of Plymouth colony, was appointed commander in chief of the troops thus ordered to be raised. Major Appleton commanded the Massachusetts men ; Major Bradford, those of Plymouth, and Major Treat those from Connecticut. The character of the Governor was distinguished for mildness and lenity, as well as bravery ; and he had always been considered by the Indian chiefs who knew him, as their protector and friend. The characters of all who took an active part in the expedition and of those who advised to it, were too well established both for humanity and piety, to warrant a belief, that any motives of mere revenge, or covetousness, or of military glory could have influenced them.

These troops marched into the Narragansett country in December, 1675 ; and attacked the Indians in a large swamp, who were there collected in hostile array ; and after a desperate assault, vanquished and routed them. But in making the assault, the English troops suffered very severely. They advanced upon the enemy by a narrow path, which exposed them to the fire and the arrows of the Indians in ambuscade,

and 240 of the English were killed and wounded, six captains being among the slain. The number of Indians slain, on this occasion, was computed at nearly 1000. And many who survived retired into the interior and distant parts of the country.

It does not appear that Philip was then with the Narragansett tribe. When Cudworth and Church marched to his neighborhood with the Plymouth troops, he made little effort to withstand them; and fled, or rather retired into the interior, to excite the various tribes, scattered through the country, to prepare for a vigorous and united attack on the English settlements. His plans, indeed, were not fully matured, when hostilities began in June 1675; as some of the chiefs of petty tribes confessed. He found the plan proposed, of more difficult accomplishment than he had imagined. The tribes nearest the English settlements and most acquainted with their conduct, were not easily persuaded to join in the conspiracy against them. Probably, the efforts and influence of the missionaries among them had attached them to the government of Plymouth and Massachusetts. Philip was an inveterate enemy to these holy men, and to the religion which they taught. It was owing to his violent passions and a thirst for vengeance, that he instigated the attacks early in 1675, on the defenceless inhabitants, and induced the government of Plymouth to send out Cudworth for their protection, before he was fully prepared to execute his bloody purpose.

During the following winter and spring, attacks were made by the Indians, at the instance of Philip and in pursuance of his great plan, except that the defeat of the Narragansetts might have interrupted it, on Lancaster, Groton, Chelmsford, Mendon, Medfield, Marlborough, Sudbury, Rehoboth, Wrentham, Deerfield, Hatfield, Bridgewater, Scituate and Plymouth. The combination was extensive and formidable; and the prompt efforts made by the English in 1675, were probably the preventive of the slaughter of all New England. Many of the Massachusetts and Plymouth people were slain in 1676. A company under captain Pierce was almost wholly cut off, at Pawtucket; and another from Boston, under captain Wadsworth, at Sudbury. But Philip did not succeed in collecting a sufficient number together, to overrun the English settlements; nor was he able to procure a simultaneous action of different bodies and on different settlements, to accomplish the purpose he had meditated. The Indians soon became dissatisfied with his plan; and occasionally, in

small parties, voluntarily surrendered to the English. It was believed that Philip applied to the Mohawks for assistance, but without success. In this condition of his affairs, he returned during the summer to his paternal abode, near Mount Hope ; where a few of his tribe still adhered to him and his falling fortunes.

Perhaps, this act of the resolute sachem entitles him to the highest praise he justly merits. He was too intelligent, not to perceive that his plans had failed, and that he had forfeited his life, by his hostile acts towards a powerful people. He could now expect no success, even in a defensive contest, nor could he promise himself a pardon for his unprovoked and aggravated aggressions. He chose, however, to return to his native soil, and to sacrifice himself on his father's sepulchre, and among the remnant of his native tribe. This was heroic, this was patriotic, and this gives him as honorable a rank, as justice and impartiality can award him. In this quarter, Philip was again attacked, soon after his return, by captain Church, who slew many of the Indians still attending the sachem, but he once more escaped. Church still pursued and followed him to Mount Hope Neck, where he had retired. Here, the brave savage fell by the hands of an Indian who was in the service of the English. It was, in truth, the fall of a brave man ; for he was even then preparing to annoy his enemy, or to defend himself to the last. With his death, the hostile spirit of the Indians within Massachusetts and Plymouth was quenched ; or, on account of their weak condition, was seldom manifested. In the neighboring territories, at the west and the east, they were still feared ; for they depredated on the frontier towns, though they did not really endanger the safety of the whole English settlements.

Although no immediate acts of oppression towards Massachusetts followed on the report of the commissioners, sent out in 1664, which was well calculated to raise the displeasure of the king, he was the more ready, afterwards, to listen to complaints against the colony, and desirous of showing his sense of his royal right to govern and control its proceedings. On their statement, that the acts of navigation and trade were not duly regarded in Massachusetts, orders were given that they should be strictly observed. These acts were of several years standing, and had been passed, or revived, as well in the time of the commonwealth, as of the monarchy : they operated as restrictions on the trade pursued by Massachusetts, and were considered as, no doubt, they were designed, for the chief benefit of England. It was, indeed, the great question, so often



afterwards agitated in the colonies, of raising a tax or revenue from this trade, for the parent state. The object of that government, in all the acts respecting trade, was not chiefly to regulate it on general principles, but with reference to its own prosperity, while little regard was had to their effect on the colonists.

At this period there was no distinct officer of the customs, by appointment of the king, nor had there previously been any, except that the governor was authorized to see that the acts of parliament, respecting trade, were observed, and that the duties imposed were collected. But the payment of the customs was often evaded, under the pretence that they were oppressive; or in the hope of escaping prosecution.

The men who conducted the controversy in behalf of Massachusetts, with the king and his agents, at this era, with their strong love of liberty, united something of the spirit and policy of courtiers; for they were always most respectful in their addresses to the crown, and when they failed to comply fully with all the requisitions of the king, they cast themselves on his clemency, and sometimes sought to flatter his vanity, or purchase his favor by presents. On this occasion, though they declined a ready compliance with the royal directions, they made a present of £500, a ship load of spars, and a large amount of provisions, to the English navy in the West Indies. And from motives of humanity, or policy, they made large collections for the sufferers by the great fire in London, in 1666.

Charles II. had not been long on the throne, before the friends of episcopacy became very active in favor of the established church, and caused an act to be passed for strict conformity to its rites and its government. Those who did not conform were again oppressed, as they had been thirty years before. The people in Massachusetts were in fear, that such a system would be introduced into the colony. A day of public fasting and prayer was set apart by the general court, to avert a calamity so much dreaded. In all seasons of apprehended danger, both as to the welfare of the church, and the liberties of the people, such was the practice; their faith in an overruling providence instructed and justified them in the devout act.

On the complaints of Gorges and Mason, in 1676, that Massachusetts had assumed jurisdiction over their several territories, in Maine and New Hampshire, Charles II. required that agents be sent over from the colony, to answer for the alleged usurpation. The general court appointed William Stoughton and Peter Bulkley for this service. They were in England,

for this purpose, nearly three years; but without adjusting the difficulties which had arisen, connected with the subject. Massachusetts had set up a claim, which could not fairly be supported. Gorges' ancestor received a grant of the territory in Maine, which he claimed; and the heirs of Mason had shown a similar title to the land they demanded, in New Hampshire; while the claim of Massachusetts had no other support than an arbitrary construction of their patent, which made their northern bounds three miles north of Merrimac River. They had caused a line to be run, a few years before, to the most northern stream of the Merrimac, and then running east to the ocean, claimed all south of such line to be within their patent. This construction gave all the eastern parts of New Hampshire, and a great part of Gorges' grant in Maine, to Massachusetts.

The decision by the authority in England was, that both the soil and jurisdiction of Maine, belonged to the heirs of Sir F. Gorges, who had the original grant of the territory, from Piscataqua to Sagadahoc, or Kennebec River. After this judgment, Massachusetts employed an agent to purchase it of Gorges' heirs; but subsequently, the king ordered its restoration to their associates, or assigns, and the purchase money was refunded. No judgment was given as to the claim of Mason's heirs, for the instrument was found to be imperfect, intended to convey the land, nor had there been any charter from the crown for a civil government over the territory claimed. Massachusetts was confirmed in her claim, to three miles north of the Merrimac, a certain distance up the river only, which excluded them from Maine, and all New Hampshire, as it now is. Mason's heirs had claimed as far as Salem, but it was adjudged, that the claims of Massachusetts were good against his pretensions. Edward Cranfield was soon after appointed by the king, to govern New Hampshire, in his name and as his province.

On the return of Stoughton and Bulkley, in 1679, other agents were ordered from Massachusetts, by the royal authority, which was then declined by the general court, on a plea of poverty, and of heavy taxes to be raised to meet the great expenses of the war with Philip, and of the preparations made against the Dutch and French.

John Leverett was the governor of the colony from 1673 to 1679, when he died, and was succeeded by Simon Bradstreet, now almost the only survivor of those who came over with Winthrop, in 1630. Leverett was one of the board of assistants when young; and was several years agent in England, in the time of Cromwell. His reputation was that of a wise,

liberal, and upright man, and of an able and discreet magistrate. Bradstreet was seventy years old when chosen governor, and continued till 1686, when the charter was vacated; and Joseph Dudley was appointed temporary President by the crown. Bradstreet was distinguished for his discretion and probity; and yet he was less decided against the measures of the parent government, which others thought arbitrary and oppressive, and which they openly and firmly opposed. Danforth, who was deputy governor with Bradstreet, in 1679, and after, and who was one of the assistants for several years previously, was the leader among the most decided and active, in opposition to the claims, then set up by the counsellors of the king, over the colony, not only as to regulating trade, but for controlling all its proceedings, both civil and ecclesiastical, and internal, as well as external; and that by officers from England, who had little regard for the welfare or the rights of the people; and for collecting a revenue from the people to add to the treasures of the parent state. Soon after Charles II. was restored to the throne, designs were formed for governing the colonies more fully and more rigidly than they had been; and these designs were continued, with little intermission, till the charter was taken away, in 1686. There was, certainly, some reason to complain, that the king's authority and prerogative were not duly recognised in all cases, and that powers of government were assumed, which went almost to a denial of the supreme authority of parliament over the colonies. The general court of Massachusetts yielded to the authority of the crown, as to the oath of allegiance, as to the judgment respecting Gorges' and Mason's claim, as to a toleration of Episcopalian forms of worship, of Baptists and Quakers, and as to the admission of freemen, who were not members of a congregational church. But the regulations of trade were disregarded, and no revenue was collected for the parent state. That some provisions of the acts regulating trade and navigation were severe in their operation on the colonies, there can be no doubt. The political friends of the Stuart family, in Virginia and Maryland, complained loudly of such oppressions. And it would have been good policy, perhaps, as well as a generous clemency, on the part of the parent country, to have favored and cherished these infant plantations, rather than to have pressed so heavily on them, for the purpose of meeting the high expenditures called for by the court.

Edward Randolph distinguished himself, at this period, by his complaints against the government of Massachusetts, and his efforts to call forth oppressive and arbitrary measures of

the king towards the colony. He complained, among other things, of gross and constant violations of the acts regulating trade; and was thereupon appointed collector of the customs; to reside at Boston, the capital of Massachusetts. Randolph was styled "the accuser of his brethren;" he acted as a spy, and was a bitter enemy to the colony, for many years; and events proved, that, in this dishonorable conduct, he regarded less the authority of the king, than his own interest and profit.

After more than two years of delay, in 1682, the general court sent other agents to England, as ordered, to vindicate the colony from various charges which had been preferred against it. These were Joseph Dudley, a son of the governor, Thomas Dudley, and a child of his old age; but who had little of the disinterestedness and integrity of his venerable parent; and John Richards, who had been several years in public life, but not possessed of all that talent and firmness to qualify him to be a useful advocate for the rights of the colonies, at an arbitrary court. Dudley had talents, but they were employed in providing for his own honor and profit. To these agents, unfortunately, perhaps, were given more powers than had been given to the former ones. But to them, as well as to those before sent, instructions were given, not to consent to any propositions or demands, which should commit their rights, as secured by charter. But the king and his counsellors were too desirous of power, or too jealous of their authority, which was then pretended to be sacred, to dispute about rights in the colony, or to recognise the agents in the character of envoys from a sovereign nation; and insisted, that the colony was a part of the empire, under the control of the crown; and must therefore submit to its will and pleasure in all things. And yet some of the officers of the crown, even at this time, declared, that the colonies ought to be represented in parliament, in order to render it proper to lay taxes on the people residing in them. When Dudley and Richards sailed for England, Randolph accompanied, or soon followed them, to prefer more charges against the colony. He had met with opposition in attempting to discharge his duty, as a collector of the customs; and when he called on the governor and general court for assistance, they either declined, or took no notice of his request.

In 1686, the charter of Massachusetts was solemnly declared to be vacated;\* and Dudley was soon after appointed presi-

\* When the agents found that no favor or justice could be expected, unless they had power to consent to give up the charter, to be altered and moulded as the king and his ministers might dictate, they wrote to the general court, of such determination; and advised them to submit to the

dent of the colony, by James II. then king of England; together with Maine, New Hampshire, and Narragansett. Narragansett, as well as New Hampshire, had been decreed to belong to the crown, in opposition to the conflicting claims of several individuals, and of Massachusetts. Sixteen persons were joined with Dudley, in the government of these places. They were taken from all the colonies, of which they were to be the rulers; and most of them had been in public stations before. There was no provision made for a house of representatives; and Mr. Danforth said, that without this, the people would be little better than slaves.

When Dudley laid his commission before the general court, which was in session at the time, or soon after his arrival from England, they protested against it, as a measure of gross usurpation, and appealed to his patriotism, and his conscience, for reasons to justify him in accepting such an appointment.\* He evaded a direct reply, and referred to the authority of the king, by whom he had been commissioned. But his period of power was short, and was not particularly oppressive. It was the nature of the government established, and the seizing of the charter, which alarmed the people, and excited the popular indignation against the measure. The principles of Dudley were known to be in favor of arbitrary power; for he said, while agent in England, in reply to some friend of liberty, who was contending for the preservation of the charter, "that the people in the colony must not suppose that the rights of Eng-

royal grace. But they concluded, after due deliberation, and the people generally approved of their resolution, "that it was better to die by the hands of others, than by their own." They professed themselves to be true and loyal subjects of his majesty, but said "they could not consent to give up their charter, nor surrender the rights they had enjoyed under it; that they would make their humble address to God, and in due time to the king, for relief." From this firm declaration, there were some dissentients, as there had been in most of the similar resolutions for several preceding years. There seems to have been two political parties; one of which was deeply imbued with the principles of civil liberty, and the other was ready to submit to the royal prerogatives, and the oppressive measures of the parent state.

\* They objected, that there was no certain and determinate rule for the administration of justice; and what did appear was too arbitrary; that the subjects were abridged of their liberties, as Englishmen, both as to legislation and taxes; that all power was transferred to the president and council, and no house of representatives provided for; that it concerned him to consider, whether such a state of things were safe for him or the people; that if he were satisfied with the commission, and felt bound to govern the people under it, they would not give their consent, but would demean themselves as loyal subjects of the king. At the same time, they ordered the papers relating to the charter, and to the titles to lands, to be put into the hands of a committee for safe keeping.

lishmen would follow them to the ends of the earth." Dudley had a quarrel with Randolph, at this period; a proof, that mere political aspirants, and selfish rulers, have little principle, and act in concert often, only with a view to personal advantage. Several of those associated with Dudley were excellent characters, and they probably had a favorable influence on his public conduct.

At the close of the year in which he received his commission, (1686) Dudley was succeeded as chief magistrate of Massachusetts, by Sir Edmund Andros, who had been some time governor of New York. He now received a commission to govern all the New England colonies.\* Andros was a military character, and of known arbitrary principles. It was feared, that he would govern rather from caprice and prejudice, than with just and equitable purposes. Nor did the fears of the people prove unfounded. The press was taken under his special care and inspection; and under the pretence of religious toleration, the Episcopalians received marks of peculiar favor and support. Randolph, who was justly obnoxious to the people, for his enmity, and his arbitrary conduct in past years, had unbounded influence with the governor. He acted as Judge of Probate, and Secretary of the colonies, as well as collector of the customs; and exacted much higher fees than had ever been required. He also commanded all, who had business of this kind, to attend on him at his own house.

The counsellors of Andros were, probably, a check upon his purposes and measures. The greater part of them were friends of civil liberty, and could not but have used their influence in the cause of justice and equity. But some of them were less devoted to the interests of the people, and the cause of freedom; and such were often with him, ready to flatter his vanity, and to approve his conduct.† The measure which gave the most general alarm, perhaps, and tended to the most extensive evil, was a declaration, and order, that all the titles to land in the colony were invalid, or incomplete. The reason given, was, that the charter was vacated, and that the fee was in the crown. The people were required to take a confirmation from the governor, and most exorbitant fees were demanded.‡ An

\* This is the language of his commission—but it does not appear that Connecticut was included.

† The counsellors were Dudley, Stoughton, Winthrop, Bulkley, and Tyng, of Massachusetts, Hinckley, Bradford, Lothrop, and Walley, of Plymouth, Coggeshall, Usher, and Wharton, of New Hampshire, Arnold, Clark, Newbury, and Smith, of Rhode Island, and Narragansett.

‡ Andros' salary was £1200 sterling, paid from England, (as was proposed, in 1673, to provide the royal governor's stipend) yet the motto of his official seal was "nunquam libertas gratior extat."

address and protest were forwarded to the king, complaining of the oppressive conduct of Andros\* and of Randolph; in which they pleaded the original grant, in November, 1620, to the council of Plymouth, in England, and of 1628-9, from that council to the company, by which Massachusetts was settled; the confirmation of Charles I. of the grant, and his charter for a government, with a governor, assistants, and a general court, to make laws, (not repugnant to England,) and to dispose of lands as they might choose; their purchase, also, of the native Indians; possession for nearly sixty years; and the great cost and charge attending the settlements, without expense to England.

Andros and his council, or a part of them, proceeded to levy taxes, in an arbitrary manner. In some towns, payment was refused, and respectable citizens were fined and imprisoned. The complaints of the people became general. There were no acts of violence, but strong disapprobation was manifested as to these oppressive and arbitrary proceedings. Rev. Increase Mather was deputed, by some men of influence, and ardent friends of liberty, to proceed to England, and state their grievances to the king.

In the spring of 1689, the people, oppressed by the arbitrary measures of Andros and Randolph, and impatient for deliverance from such odious thralldom, on receiving a report of the revolution in England, but before there was formal intelligence of it, seized the governor, and some of his official friends, and placed them in confinement; the captain of an English frigate, then in the harbor of Boston, was of the number. A temporary government was immediately formed, of those who had been magistrates or representatives, and called "a committee for the safety of the people, and the conservation of the peace of the colony." Bradstreet, who was governor in 1686, and more than eighty years old, was appointed president; Addington, secretary, and Wait Winthrop, commander of the militia. This whole committee was very respectable, both for talents and patriotism. They gave notice to the government of England of what proceedings had taken place in Massachusetts, and requested advice and direction in the case. They were directed to continue the government, as it was before the appointment of Dudley and Andros, and orders were also

\* While Andros was governor of Massachusetts, he suspended one of the counsellors, who probably opposed some of his arbitrary measures; and threatened to shut up the doors of a church in Boston, because the proprietors declined having the episcopal service performed in it. Under the plea of toleration, he was partial, arbitrary, and oppressive.

received for the release of Andros, Randolph, and others. Randolph, on his return to England, preferred many serious complaints against the colony; but the agents, then in that country, were attentive and faithful to the interests of Massachusetts; and those in power in the kingdom were far more favorable in their views and purposes to the people of New England, than the administration of Charles and James.\* These complaints, however, had an unfavorable influence with the government, after the revolution; for the ministry and parliament were then disposed to keep the colonies *in due dependence and subjection*; and William was as ready to maintain the authority and prerogatives of the crown, as his predecessors had been. Andros, and others of similar political views, were retained in power under the new administration.

Massachusetts was without a charter till the year 1692; but during this period, the courts were held and representatives were chosen, as before the usurpation of Andros. The people had confidence in those who were in power, and yielded ready obedience to their orders.

During the administration of Andros, particularly the latter part of it, the Indians at the eastward, within the territory then claimed and possessed by the French, made frequent attacks on the frontier settlements of the English, and plundered and murdered many of the inhabitants. But Andros, from friendship to that nation, or from a mistaken policy, failed to give the people efficient protection. Yet, on one occasion, he went to Pemaquid, a few leagues east of Kennebec, or Sagadahoc, and the eastern bounds of the English settlements, at that period; but the expedition did not prevent future aggressions. In 1690 an attack was made, under Sir William Phipps, an enterprising, resolute character, against Port Royal, in Nova Scotia, which proved highly successful; and he took possession, in the name of the English government, of the coast, from that place to Penobscot, hitherto occupied by the French.

This success led to a formidable expedition against Quebec, the same year, commanded also by Phipps, which consisted of nearly forty vessels and two thousand men, most of whom were impressed for the service, in Massachusetts. A fleet sailed from Boston, and land forces proceeded by way of the lakes and Montreal, for this purpose. But the expedition was got up with such haste, that proper military stores and provisions were not provided; the weather was unfavorable, (it being

\* One of the professed objects of the revolution in England was "to put the liberties of the people out of the reach of arbitrary power."



late in the season :) incorrect reports were made, as to the best place to land and make the attack ; and the small pox prevailed among the land forces also. After one unsuccessful attack with part of the men, it was resolved to relinquish the undertaking, and such portion of the fleet as was not wrecked on the coast, returned to Boston.

This proved a very expensive and disastrous affair to Massachusetts. To meet the expenses and pay the men, who were clamorous in demanding their wages, which amounted to more than £50,000 sterling ; paper money was issued, which was the occasion of great and continued distress, for many years, though the measure afforded temporary relief.

The obtaining of a new charter, and defining the powers conferred, or allowed, was a work of much difficulty. It was first attempted to have the former charter renewed, with some additional powers ; but this was found to be impossible. The professed friends of the colony, in England, were opposed to the grant or recognition of powers, to the extent solicited by the agents of Massachusetts. It was soon apparent, that no charter would be issued, giving even equal powers with the former. When Mr. Mather objected to the project of a charter, prepared by the officers of the crown, he was told, "that his approbation was not necessary, that the colony was an applicant for favors, and must not dictate in the affair." That which was finally matured and issued differed from the old one, in some important respects, less favorable to the power of the colonial government, and to the urgent wishes of the agents. It united Plymouth,\* and Maine, and Nova Scotia, and the islands between, to Massachusetts, with the style and title of "The Province of Massachusetts Bay." By this charter, the king reserved to the crown the right to appoint the governor, lieutenant governor, and the secretary. The assistants, or counsellors, were to be chosen, as before, by the general court. The governor had a full negative on the representatives, and with advice of the counsellors, was to appoint all officers in the province. The council was to consist of twenty-eight members, four of whom to be from Plymouth, and three from Maine. A voter must have personal estate of £40 sterling, or an income of 40s. a year. At their first meet-

\* It included Martha's Vineyard, also, which had been under the government of New York. Rev. Mr. Wiswall, agent for Plymouth colony, objected to the union of that colony with Massachusetts ; believing, probably, that it would thus lose much of its importance ; but when he learnt there was a plan to annex that colony to New York, he readily consented to its being a part of Massachusetts.

ing under this charter, the general court voted to adopt the laws of Massachusetts and Plymouth, unless repugnant to those of England.\*

The new charter was far from being acceptable to the great body of the people; for they had been accustomed to act and legislate, in a great measure, as if they were sovereign and independent. Their principal objection was to the appointment of the chief magistrate by the king; and in this they discovered, as well a foresight of future mischief, as an ardent desire of republican freedom. Some of the more rigid lamented, that full liberty of conscience was given to Episcopalians, and other dissenters from the congregational churches, except to Baptists; for it was a long time the opinion, that toleration of other religious opinions and forms of worship would be injurious to the welfare of the colony, as well as highly prejudicial to christian truth.

In the appointment of the first governor, the king was pleased to consult the wishes of the agents; and Sir William Phipps was commissioned for that office, in 1692. He was of obscure parentage, the son of a poor man, who lived near Sheepscot River, and not far east of Sagadahoc, but early discovered a strong mind, and a spirit for nautical adventures; and was thus the maker of his own character and fortunes. He was more of a sailor and soldier than a statesman; but the clergy were his frequent advisers. And William Stoughton, the lieutenant governor, was distinguished as a scholar, and as an able, discreet legislator. On the recall and decease of Phipps, in 1694, Stoughton acted as chief magistrate for several years, and enjoyed the respect and confidence of the people.

\* The formal declaration of their rights and privileges, in 1694, approved both by the representatives and the counsellors, will show their views of civil power belonging to them; and their fears, that plans were in operation to infringe on the authority which they asserted to be essential to liberty. It was of the following purport: "that they had an undoubted right to all the liberties and privileges of an English assembly, and to have freedom of debate and suffrage, as the Commons of England have; that the appointment of all officers doth of right belong to the general assembly; and that when money is to be levied of the people in the province, the assembly be advised of the use and application thereof; that the establishment of all salaries of officers, in the province, belongs also to the general court; that no public moneys ought to be disposed of by the governor and council, but for the uses and intents of, and agreeable to, the acts, by which said money is raised; and that no money ought to be drawn or paid out of the public treasury of the province, but by warrant of the governor, with advice of the council, mentioning the law by which it was raised, and for what service designed, and to be according to said law."

## CHAPTER VI.

Witchcraft—Laws for Religious Worship, for Education, and for sobriety of manners—Disputes with Government of England—French at Pemaquid—Lt. Gov. Stoughton—Law against Jesuits, and against Slavery—Gov. Bellamont—Gov. Dudley—His Character—War between England and France—Depredations of Indians—Col. Church goes against Indians in Acadie—Expedition to Port Royal—Meditated attack on Canada—Heavy Debt and Tax, and Paper Money—Peace between France and England—Prosperity of the Province—Newspapers—Gov. Shute—His Character—Indians in Maine hostile, conquered—Dispute between Gov. Shute and General Court—Gov. Shute, on his return to England, complained of the Court—Agent Dummer—Lt. Gov. Dummer—Treaty with Eastern Indians—Clergy propose a synod—Earthquake.

THE year 1692 is memorable, not only in receiving a new charter, and in having the government duly formed and administered, after five years of interruption, but for tragical events growing out of charges for witchcraft, which furnish melancholy proof of the weakness and credulity of the human mind. But for the appalling effects of this strange delusion, in the imprisonment and execution of several respectable persons, the facts disclosed would be matter of amusing curiosity. This disastrous infatuation, however, was not confined to Massachusetts, or to America. Similar scenes were exhibited in England; and some learned men gave countenance to the cruel proceedings, in that country as well as in New England. Superstitious credulity was the support of this fatal error; for without a belief of the power of the Devil to make men his agents and tools, the system could not have been admitted. When reason and philosophy are disregarded, credulity and prejudice can effect every thing but miracles.

On the slightest charge and even on bare suspicion, numbers were adjudged guilty of the high offence of making a league with Satan; and were punished, even to death, on evidence not legally sufficient to convict a man of the smallest offence. The eyes of the magistrates and judges were at last opened, by the accusation of respectable individuals, whose characters were above all suspicion of such a crime, even if it were practicable. This, however, was not till about twenty had been executed, and many more imprisoned for a long period. It is consoling to know, that some of the magistrates were opposed to these

cruel proceedings; among whom were two of the judges who acted on the occasion. And many others, afterwards, lamented the delusion, which had thus perverted their better judgment.

So infatuated were some of the people, at the time of the highest excitement, that, by their vehement solicitations and menaces, they persuaded the weak and timid to confess they were witches, who were of holy and exemplary conduct. Some of these afterwards declared, that they had acknowledged themselves guilty, partly through fear, because of the threats uttered against them, and an apprehension that they might have been subject to the Devil's arts without knowing it. Several years before this time, there had been two or three executions for this supposed crime; but the extravagances and cruelties attending the Salem tragedy, in 1692, served to keep the people from similar delusions ever afterwards.

The legislators and rulers of Massachusetts considered it their duty, from the earliest settlement of the colony, to provide for the support of religious worship and instruction, for the education of youth of all grades and classes, for the observation of the Lord's day, and for suppressing intemperance, gaming and profanity. They acted as the guardians of the public morals; for they believed religion and morality essential to the public welfare of society. They were some times accused of being too severe, and too minute in their laws relating to such subjects; but there can be no doubt their regulations were for the peace and good order of the colony, and that much greater laxity would have proved injurious to the public welfare and prosperity. The clergy were often advised, by the general court, to adopt measures to bring about a reformation among the people, and to strive for greater purity of morals in the community. This was a legitimate object of the civil power; but when they proceeded to prescribe articles of faith, and to require particular forms of worship, they presumed to legislate on points beyond the province of the civil magistrate to decide.

The dispute between the rulers in Massachusetts and the parent government, which had long been kept up, and which was destined to continue to exercise the talents and call forth the patriotism of the colonists, was agitated, at this period, with a good deal of zeal. On the adoption of new regulations in England, respecting the duties on commerce, and the collection of the customs, the general court passed an act, tending (and probably intended) to defeat the operation of those regulations; alleging that they interfered with the rights of their charter, or were oppressive to so small and distant a colony: and a law of parliament was soon after enacted, which declared such

a law of Massachusetts to be utterly null and void. The acts of the British parliament, relating to the trade of the colonies, were often the cause of complaint. They operated as restrictions, which were odious and oppressive to the people; and they were chiefly designed for the benefit of England; and thus obliged the colonies, by way of imposts, to contribute to the support of the government there, while they had to pay for the maintenance of their own, respectively, and to discharge heavy debts incurred for defence against the French and Indians.

The people of Massachusetts, with some other settlements in New England in 1697, were alarmed by menaces of war from the French, who had been several years laying claims to Nova Scotia and the eastern parts of Maine, and whose greatest means of annoyance was the employment of the Indians against the inhabitants on the frontiers. Pemaquid and the country eastward of it, had been long possessed by the French; except occasional captures by forces from England or Massachusetts.\* A report was spread through the province, that Boston would be attacked by a French fleet, and an attempt be made to conquer the whole coasts of New England. Various obstacles occurred to prevent the prosecution of this plan. But the fears of the inhabitants were unusually excited; for it was believed that the Indians of the West, who were then governed by the French, would assist in the attack, by falling on the settlements in the interior. By order of Lieutenant Governor Stoughton, then in the chair, the militia were prepared to defend the Province, if the French should appear; and the fort on Castle Island was put in repair for the protection of the capital. The treaty of Ryswick, toward the close of the year, restored tranquillity to the province, for a short period only; for the following year, the French laid claim to all the country east of Kennebec, (though by that treaty, their forts and possession were to be restored to England) and forbid the inhabitants from fishing on the coasts or entering on the territory. The eastern Indians took advantage of this state of the country, to commit depredations and murders, without formal notice of war, and when the means of defence could not be seasonably provided.

\* The fort at Pemaquid, near the then eastern settlements, and the territory claimed by the French, was taken in 1696 by the French and Indians under the Baron Castine, of Penobscot. This was considered an important post, and it had been a great charge to Massachusetts to defend and keep it in repair. It several times changed masters, in the course of the contests between France and England; while it was in the hands of the French, the Indians were more bold in their attacks; when possessed by the English, they were less feared and less dangerous.

Among the laws of the province, while Mr. Stoughton was in the chair, was one against jesuits and popish priests; and similar orders were passed in New York prohibiting their residence in that colony; alleging that they instigated the Indians to attack the English and all other protestants; and by his advice probably, the general assembly took into consideration the subject "of putting an end to negro slavery in Massachusetts, and of employing white servants in their stead." In 1703, a penalty was imposed for importing negro slaves into the province. This truly excellent man and able magistrate died in 1703, much lamented by the people of the province. Earl Bellamont, who was Governor of Massachusetts a short time in 1699-70, died the same year, at New York. He was also several years governor of that colony. His short administration in Massachusetts was generally acceptable to the people. He is characterized as bland and courteous in his manners, and as seeking the welfare and prosperity of the people over whom he presided, as well as maintaining the authority of the crown. Some of his declarations were calculated to administer just rebuke to such officers and agents, as sought only their own power and emolument.

After the death of Mr. Stoughton, the executive authority of the province was in the hands of the counsel, for a few months, when Joseph Dudley, who had been president in 1686, received the royal commission to be Governor of Massachusetts. He was continued in the chair for twelve years.

When he was agent in England, in the times of the Stuarts, he made friends of the men in power, and became an apologist for the prerogatives of the king, and for the arbitrary measures adopted at that period. He could flatter those in authority, of any description or party, for the promotion of his own ambitious designs. While in office in Massachusetts, he seldom agreed with the general assembly, which was always jealous of all encroachments on the rights and privileges guarantied by the charter. He is represented as one covetous both of power and wealth; and as probably seeking for the former, as the best means of attaining the latter. In his first speech to the General Court, he proposed that a house should be furnished for him, befitting the representative of the king; and that a more liberal compensation, than formerly, be provided for his support, in his present high station. The House hesitated, and postponed a compliance with his request. They thus exposed themselves to his displeasure and censure, rather than to yield to what they believed an unreasonable requisition. There was little cordiality between the representatives

and Mr. Dudley, while he remained in office. He would probably never have been governor had it depended on the free suffrages of the people. Rev. Increase Mather and his learned son accused him of insincerity and covetousness ; and complained that his avarice led him to render unrighteous judgments.

In 1702 war was declared between England and France, and the English settlements in Maine and in the western parts of the province were threatened by the Indians, who were always under the influence of the French priests, and ready to fall upon the English, at the earliest notice of hostilities. The governor held a conference with a delegation from Penobscot, Norridgewock, Amariscoggin, and other eastern tribes, who promised to maintain peace and amity with Massachusetts ; but soon after, in junction with the French from Canada, they attacked the settlements between Portsmouth and Casco Bay, and captured and slew more than one hundred of the inhabitants. About a year after, the Indians fell upon Deerfield and Northfield, on Connecticut River, when the people had no warning of their approach, and destroyed several dwelling houses by fire, slew upwards of forty, and made prisoners of one hundred and twelve. Lancaster was attacked the same year, several of the people were slain and the residue found shelter in the garrison. This was the second assault and slaughter made by the Indians on that town. In 1704, an expedition against the French and Indians at the eastward, was fitted out at Boston, under command of Col. Benjamin Church, who was an officer against Philip in 1675. It consisted of 500 men, and he attacked the French in Nova Scotia, (or Acadie) and the Indians of the Passamaquoddy and Penobscot tribes, who had been then recently committing outrages on the English.

This war continued with varied and unequal exertions, for several years ; and in 1707, an expedition was prepared for attacking Port Royal in Acadie, consisting of two regiments, under Col. March, and conveyed by the province galley and a British sloop of war. Some attempts were made on the fort, but no very serious or vigorous assault ; and the enterprise was abandoned, for want of a sufficient force, as was alleged by the officers, but, as others believed, for want of concert and resolution in the besiegers. The expense to the province, of this unfortunate expedition, was £22,000 ; for which, in its condition, at that period, added to its previous debt, it was very difficult to provide. The credit of the province suffered by the issue of a great amount of paper money, which

was intended to sustain it. As in all such cases, the bills depreciated in value, in a short time, as there were no means for their redemption by specie.

In 1708, the French and Indians made attacks on several frontier towns and settlements. Haverill was surprised by a party of Indians; several houses were burnt, and the minister and about forty of the inhabitants were killed.

An expedition was planned, the following season, to go against Canada and Acadie. A squadron was to be sent from England to Boston, and Massachusetts was to furnish 1000 men. Due preparations were made in the Province; but the naval force, expected from England, did not arrive; being then required for the protection of Portugal. The plan was revived in 1710, but was prosecuted only in part. Port Royal was attacked, and surrendered to the combined forces from England and Massachusetts; the latter having furnished four regiments, except that a small portion was from the adjoining colonies. After the capture of Port Royal, the place received the name of Annapolis, in honor of Queen Anne.

The design to dispossess the French of the places they held on the borders of New England was not relinquished; for they were considered dangerous neighbors, and they had great influence with the Indians, to incite them to almost continual hostility. The English government was also desirous of depriving the French of their territory, and of weakening their power, in North America. Another attempt was accordingly made against Canada in 1711, by order of the British government. There were fifteen ships of war, and transports with seven regiments of veteran English troops employed, besides the men furnished by Massachusetts and New York; making in the whole 6500. A large force, raised in the colonies, and chiefly in Massachusetts, proceeded also against Canada by the way of the lakes, under command of General Nicholson. But this expedition, like the former in 1690, proved unsuccessful. The weather was unfavorable, the pilots proved unskilful, and several of the transports with troops were lost, to the number of 1700. The commander of the naval expedition saw fit to abandon it; and Nicholson, on receiving the intelligence, at Lake George, retired, with the men who were advancing towards Montreal. As Massachusetts had a large number of men in this expedition, the debt of the province was much increased; and the people were hard pressed by the great amount of public taxes. The General Court attempted to afford relief to debtors, by a law to prevent oppressions, and by making the bills, issued by the



province, a legal tender in all cases. Paper was then generally in circulation, instead of specie. But the effect of such a great issue of paper, resorted to in seasons of peculiar exigency, to pay the debts of the province, was eventually unfavorable both to the people and to the public credit. The general assembly might justly order, that the bills, issued by their authority, should be received in payment to the government, but to require individuals to receive them, when depreciated, to discharge *bona fide* demands, was considered by many an arbitrary and unjustifiable measure. By the treaty of Utrecht, in 1713, the French ceded Nova Scotia and other places east of Kennebec to Great Britain; and the eastern Indians sought for peace with the English, and signed articles of friendship and submission to them. During this year, the boundary line between Massachusetts and Connecticut was perambulated and marked out; and soon after was accepted and confirmed as correct by both those governments.

After eighty years had elapsed from the first date of the English settlements in Massachusetts, the province had become respectable for its population, enterprise, intelligence and wealth. New England, and especially Massachusetts, by far the most extensive and populous, began to be regarded with interest, if not with jealousy, by foreign countries; and the inhabitants manifested, on their part, a desire to be acquainted with the affairs of England and Europe, generally, as well as of the middle and southern colonies in British America. Such increase of population and trade must naturally call for a publication, of the common character of newspapers. A paper of this kind was established in Boston, in 1704, printed by Samuel Greene, with the title of "Boston News-Letter." This paper was so much encouraged, that, in a few years, the number of subscribers was nearly one thousand. A second paper was published in 1720, called the "Boston Gazette." The third was established in 1721, called the "New England Courant," and conducted by an older brother of the celebrated Benjamin Franklin. The clergy were described as bigoted and arbitrary, by the editor, or some writer in the paper; and in 1722, the general court passed a severe censure upon it.

The council exercised the supreme executive power of the province, for a short time, after the death of Governor Dudley. William Tailer, the lieutenant governor, also performed the duty of chief magistrate, for a few months, at this period; and in 1716, Governor Shute arrived from England, with a commission from the crown. He was a well educated man, of a

mild spirit, and of accomplished manners; and what particularly rendered him acceptable to the people, was the attachment of himself and family to the dissenters. After he had been in the chair two years, he was eulogized, by some intelligent individuals, perhaps his personal friends, as a liberal and faithful magistrate. Yet it appears he had some political enemies; but towards them even, his behavior was conciliating and magnanimous. It was high praise, to say of him, as one did, that the people would have chosen him for their governor, in preference to any native citizen. And yet, after he had been in the administration a few years more, he was engaged in a dispute with the House of Representatives, as to his right to negative their choice of speaker, and as to the encroachments made on the public lands, by which the spars, reserved by the crown for the English navy, were taken or destroyed by the people.\*

In 1717, Governor Shute met the sachems of several eastern tribes, at Arowsick Island, near the mouth of Kennebec River, and renewed the treaty of 1713; which was observed by them with a good degree of faith, for about five years, when they commenced hostilities in Maine, by the encouragement, if not at the direct instance of the French. The people, in the new settlements in that territory, were long exposed to the barbarities of the Indians, and suffered greatly in their property; and many lives were lost in these savage attacks. It is justly a matter of surprise, that they attempted settlements far remote from all efficient and seasonable protection from the government, when the aboriginals had manifested such deadly hostility against them. There are no proofs that the people in that part of the country committed acts of injustice or aggression on the natives; and there was no other cause to be assigned for their work of destruction, than that false statements were made to them of the views and designs of the English.†

At this period, a fort was built on Georges River, a few leagues east of Pemaquid, for the protection of the settlements then extending in that part of the province. The Norridgewock and Penobscot tribes, aided, at times, by those of Passamaquoddy, and of some within the limits of Canada, made frequent irruptions on the English settlements; and although several treaties were made with them, from the year 1700 to

\* Cotton Mather said the people of Massachusetts were sincerely loyal at this time; but they chose to show it rather by *praying* for the health of the king than by *drinking* it.

† In a letter of Governor Shute to Ralle, the Jesuit, he says, "the English had not entered on land without a fair and honest purchase of the Indians, and that they had deeds to show for it."

1724, they disregarded them, as their spirit of revenge or desire for plunder, or a wish to gratify the catholic priests, prompted. In 1724, an attack was made on them at Norridgewock, one of their chief places of rendezvous; many of them were slain, and their fortress destroyed. From this period, they were far less feared, and appeared less disposed as well as less able to injure the English in that quarter.

In his desire to retain the favor of the general court, or from his native mildness of character, Governor Shute consented to an act to lay a duty on West India products, on wines, on English manufactures, and on the tonnage of British vessels. For this, he was censured by the ministry in England, as not duly supporting the prerogative of the crown. The law was the more offensive to the English government, as it was passed on occasion, if not in retaliation, of an act of parliament, for raising a revenue in the province by imposts, which had always been opposed by Massachusetts. The general court rescinded the act, and acknowledged that the objections to the measure, by the British ministry, were just and proper. On the other hand, he maintained the prerogative and right of his sovereign very decidedly; and thus afterward exposed himself to censure in the province. He gave his negative, as he supposed the charter authorized, to one of the counsellors chosen by the general court. The latter insisted that he was duly elected, and therefore entitled to a seat at the council board. They said, they sent up the names of those they had chosen, for the information of the governor, rather than for his consent or concurrence. There was frequently a want of union and action between him and the representatives. On one occasion, he dissolved the house, for their opposition to his directions; and they adjourned for a week, without asking his consent, or giving him notice. They also appointed a time for a public fast, which had before been done by the governor and council; and claimed the right of appointing some officers, which had always been the prerogative of the executive.\* When he first entered on the administration of the government, he approved of the paper money policy; but soon became satisfied of the evils it produced, and opposed it.

When Governor Shute went to England, in 1723, he com-

\* When the governor issued a proclamation for the public fast, at this time, he said, "by the advice of council, and on motion of the house of representatives." But this did not conciliate them. They omitted Mr. Belcher, and others, from the council, because they were friends of the governor. In other instances, also, towards the close of his administration, the leaders in the house opposed him, pretending that he was disposed to support the prerogatives of the crown to the prejudice of the rights of the province. They also claimed the right to appoint the attorney general.

plained of the conduct of the general court, for not taking suitable measures to prevent the destruction and waste of the king's forests and spars, and for not submitting to his veto on their election of one of the counsellors. The general court employed an agent, Dr. Cook, of Boston, a distinguished advocate for the rights of the colonial government, to vindicate their conduct. There was a hearing before the king's privy council; the governor was fully justified for his conduct, and the assembly of Massachusetts expressly censured.

These proceedings of Massachusetts, with other previous acts, indicating a want of due submission to the parent government, as was alleged by the then administration, gave such dissatisfaction, that there was a proposition to withdraw the charter of 1692. Jeremiah Dummer, then an agent in England, from Massachusetts, and a man very eminent for his talents and learning, defended the province with great ability. He did not, however, justify the general court in all the measures, of which Governor Shute complained. He pleaded, that the powers delegated by the charter had seldom been exceeded by the government, and that, although these were various and extensive, they were necessary for the welfare and prosperity of the province.\* The charter was saved; but an explanatory article was added, by which the king's right, by his governor, to negative the election of the counsellors, was expressly asserted and declared. In the absence of Governor Shute, William Dummer, the lieutenant governor, filled the chair, with fidelity and ability. In 1723, a fort was erected on Connecticut river, near the boundary line of Massachusetts and New Hampshire, and called fort Dummer, in honor of the lieutenant governor. It was also after the return of Governor Shute to England, while Mr. Dummer acted as chief magistrate, that a treaty was made with the eastern tribes of Indians, which gave peace and security to the inhabitants in Maine.†

\* He contended that its withdrawal, or a material diminution of powers, would be great injustice, when the sufferings, efforts, and sacrifices, of the inhabitants, and their fathers, were considered; that the authority exercised in the province was no more than belonged to British subjects, and was necessary, as the people were not represented in parliament. Similar considerations were urged in 1691, by Bishop Burnet, father of Governor Burnet, who said in the House of Lords, "that the charters of the colonies in New England were far more sacred than of corporations in England, as the former were contracts with the patentees; they promised to enlarge the king's dominions, if they could have certain privileges; they had performed their part of the contract; and if the king did not fulfil his part, it would be manifest injustice."

† When the chiefs were asked if they would be responsible for the good conduct of the young men of their tribes, they said "they would answer for them when they were not intoxicated."

In 1725, Capt. Lovell, of Dunstable, made an attack on the Indians at Pigwackett, on Saco River, about thirty miles west of Portland. He made a bold assault on them; but they were very numerous, and he and his men were overpowered. Most of the party were slain, or mortally wounded. It was considered a very heroic adventure; and provision was made for the relief of the families of those who were slain on that occasion. So much were the people harassed on the frontier settlements, at this time, that agents were sent to Montreal, from Massachusetts, to prevail with the French to prevent the hostilities of the Indians.

The power of the clergy appears to have been less, at this period, than in the early days of the colony. At their annual convention, in 1725, they proposed, that a synod should be called, to take into consideration the religious state of the country; but the general court, whose consent was deemed proper, and by whose order or advice former synods had been convened, declined giving their countenance to the proposal. Many of the laity had become jealous of ecclesiastical power; and, perhaps, the disapprobation, with which the proposed measure was viewed by the British ministry, prevailed with some in the province to object to it.\*

The year 1727 was memorable for a severe earthquake in New England, which was felt as far as Delaware. This was the third in the country, noticed in the records of rare occurrences, which excited great alarm. But other small shocks had been experienced, during a period of seventy or eighty years.

\* A writer of this period, however, represents the clergy to be catholic, "making the basis for union vital and substantial piety, in which all good men might join. The terms of communion run parallel with the terms of salvation. Presbyterians, Lutherans, Anabaptists, Episcopalians, &c., meet together at the same table of the Lord."

## CHAPTER VII.

Governor Burnet—His Character—Dispute with General Court, about his salary—Governor Belcher—His Character—At first very popular—Paper Money depreciated—Occasion of long embarrassments—Parties—Opposition to Governor Belcher—Naval Officer removed by the King, and not by the Governor—Expedition to the West Indies—Line between Massachusetts and New Hampshire run—Line run between Rhode Island—Governor Shirley—His Character—War between England and France—Disputes and contests with Eastern Indians—Expedition to Louisbourg—successful—New England threatened by the French—Plans against Canada, and Nova Scotia—Peace, and troops recalled from Nova Scotia—Impressments in Boston, and Riots—Plan for Bishops in America—Paper Money redeemed, and discontinued—Reimbursements from England—Society for Industry and Economy—Clergy—Eastern Indians—British Prohibitions on Trade—Agent in England—Heavy Taxes—Commerce.

IN 1728, Mr. Burnet, who had been Governor, both of New York and New Jersey, received a commission from the king, to be commander-in-chief of Massachusetts. He was a son of Bishop Burnet, and had the reputation of being a great scholar and an elegant writer. His administration was short; but so unpleasant, as to have given him great anxiety and vexation. He was fond of parade, but of an amiable temper; and yet was engaged in controversy with the general court, on the vexed question, which before and long after excited the strongest feelings, among political characters. This was the subject of a stated salary for the governor. It appears that he made it a point of importance to be settled when he first received the royal commission. It was the principal theme of his communications with the representatives; and in so doing he only obeyed the instructions of the king. The house declined establishing a salary, as recommended; and the majority of the counsellors agreed with them in their non-compliance. A grant, however, was made him, as had been to former governors, to meet the expenses of his station. The amount was £1700, to defray the expenses of his journey from New York, and for his support during the year.

The dispute was maintained with warmth and obstinacy, both by the governor and the representatives; the former was probably influenced by pride of opinion, rather than avarice;

and the latter appear to have acted from a regard to the rights of the people. The House insisted, that by their charter, and by virtue of their common rights as Englishmen, it rested with them to raise money, to what amount and for what purpose they chose; and that they did not perceive that the welfare of the people, or the due support of government, required them to establish a salary for the chief magistrate. They appealed to the several towns in the province, and received the support of their constituents in the course they had adopted; but the council, at this time, was on the side of the governor. He removed the court to Salem, in the belief that the country members were too much influenced by the people of Boston, in voting on the subject; and he complained "that their conduct savored too much of republicanism." He suffered himself to be greatly excited by the controversy; and it was supposed that his anxiety was so extreme as to have impaired his health. He died at Boston, in 1729, when he had been in the chair less than two years.

This controversy afforded evidence of the unhappy effects of supporting, with pertinacity and bitterness, the measures of a political character, which might be as well settled by argument and good temper. The governor did no more than to obey the instructions of the king, except that he had resolved to carry the point, in opposition to the will of the House. On their part, it was a question of supposed right and a measure identified with political liberty. They had been nursed in the arms of freedom, and felt that their sacrifices and struggles had given them a just claim to all the authority necessary to self-government; saving always their allegiance to the crown; which, as they usually interpreted it, meant little more than a bare acknowledgment.\*

Governor Belcher was commissioned in 1730. He was a native of the province, a graduate of Harvard College; and his father was a merchant of eminence in Boston. He was some time in England, where he had an opportunity of a personal acquaintance with men high in authority at that period. After he came into office, there was not so much of violent party disputes as had been a short time before; though his political views did not differ much from those of his predecessor.

\* At the completion of a century from the first settlement of Massachusetts, its population was estimated at 120,000. The number of vessels of all descriptions was 600; about half of which traded to Europe and the West India Islands. And the other moiety was engaged in the fishery, which was followed on the coast of Nova Scotia, and eastward; and nearly 6000 men were employed on the ocean. These were proofs of prosperity, notwithstanding the heavy taxes growing out of the numerous wars with the French and Indians.

The general court might have become discouraged from keeping up the contest with the king and his ministers, as in several points they had been obliged to yield; and the governor, from motives of policy, might have chosen to avoid all harshness in the disputes which should arise. He made an effort, however, to persuade the representatives to provide a stated salary for him, which his directions from the king required; but as they still declined it, he accepted a compensation by way of grants; and in this the court were more liberal to him than they had been to others, except his immediate predecessor, with whom they had an obstinate contest to the last. Governor Belcher had the consent of the king to accept of a compensation in this manner.

But Mr. Belcher had political opponents from other considerations. The difficulties growing out of the paper money system had been increasing for several years; and though the embarrassments which it created were great and extensive, no relief had been provided. The bills, issued from time to time, were to a large nominal amount, but they had greatly depreciated, and thus injured the public credit, and produced much evil in the common transactions and business of society. Projects were offered for a public bank, and also for individuals to issue bills, which should be redeemed by specie when they became due, and the market value of land was to be the standard by which the paper was to be estimated. Parties were thus formed, which soon became of a political character; for, as a governor, or the members of the general court were for the bank, or opposed to it, and for some other project, so were they popular or unpopular with each class or party of the people.

These projects grew out of the great amount of paper in circulation, issued on several occasions, when the taxes could not be paid; and were intended to introduce a specie currency, and thus gradually to redeem the bills of the government. But none of these plans proved successful, or afforded the remedy desired. As there were different schemes to effect the same object, each had its advocates, as patriotism in some and speculation in others, perhaps, prompted. The consequence was, as before suggested, that parties were formed, from selfish motives; which added to those of older standing, and wholly of a political character. This state of things continued through the administrations of Shute, Burnet, Belcher, and of a part of that of Shirley; and served to render the office of chief magistrate exceedingly difficult to sustain, with peace to himself, or the approbation of the people. The paper system had been so long maintained, and being supposed to operate to the relief



of the inhabitants, as some interested individuals represented it, that it was unpopular to oppose it, though it was constantly becoming more inefficient for the purpose for which it was first introduced. Parliament at length interfered, and prohibited the circulation of paper money in the province, probably on representation of the governors, who thought the system should be put down, and which the general court was not disposed or able to do. This produced a great clamor with certain classes of politicians, and with a great portion of the people, who believed it would be oppressive to be denied the privilege of paying their debts in paper, as they had long done. An objection was also made, as to the short time the bills were to be prohibited circulation after the act of parliament was passed. Though no bills were issued after this law of the parent government, they were still continued in circulation, as all means proposed to call them in and redeem them failed, till several years later, when large sums were allowed and sent into the province, as a reimbursement, by the British government, for the expenses of the expedition against Louisbourg, in which Massachusetts took an important and honorable part.

Governor Belcher was accused of contending for the prerogative of the crown, and of attempts to magnify his office, as the representative of the king; but no acts of oppression could be specified, nor did he push his authority as the royal agent, beyond due bounds. There were times when the leaders of the popular party applauded his conduct and sought his power; and yet on other occasions they opposed and censured him. When the subject of his salary or compensation was debated, they readily voted £1000 sterling; but declined making it permanent. The council proposed to add, for future years, so long as he should continue in office; but the house of representatives objected, though an intimation was given by them that they should vote the same as long as he was in the chair, since he had proved himself a zealous friend of the province. The popular favor then, as at all other periods, was uncertain and fluctuating. It was the misfortune of Governor Belcher, not to have his worth and his services duly appreciated, till his public life had closed. On a candid review of his public as well as private conduct, it will be found to have been disinterested and patriotic. The heaviest charge against him was that he appointed several of his political friends and supporters to office; and in a few instances removed others, to provide for them. A singular act, on the part of the king, took place during Mr. Belcher's administration. He ordered the removal of a Mr. Lyde, son-in-law

of the governor, from being naval officer, and to whom no serious objections could be made. The case was without a parallel; as the governor had always the privilege to nominate for office. Mr. Belcher did not choose to risk the displeasure of the king, by making objections in this case. Nor does it appear what could have prompted this measure in the king; for the governor was ever considered faithful to the crown. His right to remove from office, especially from judicial office, which he claimed and exercised on first coming into the chair, was strenuously opposed by Mr. Read, an eminent lawyer and one of the council; and by his influence the board refused to consent to such appointments.

In 1739, England declared war against Spain, and a very large fleet sailed the next year, for the West Indies. A requisition was made on the colonies for four regiments to assist in the expedition. Massachusetts furnished 500 men; who, while in that warm latitude, were attacked by a mortal disease, and not more than 50 lived to return. The expenses on this occasion to the province amounted to £35,000 old tenor, being then equal to £7000 sterling. The wages and clothing of the men were at the expense of the crown, but the province furnished transports and provisions. The number first required was 1000. And the General Court voted to enlist them. But when the time arrived for their sailing, the arms promised by England, had not been received; and, though 1000 were raised and a bounty given them, yet only 500 embarked.

In the time of Governor Belcher, the dispute was revived respecting the boundary line between Massachusetts and New Hampshire. His duty was the more delicate and his conduct the more closely criticised, as he was then chief magistrate of both jurisdictions. The line had been run many years before, according to the wishes of Massachusetts; when it was decided that, beginning at a point three miles north of the mouth of Merrimac River, as mentioned in the patent, the course should be up the river to its source, far to the north west, as the northern bounds; and thence eastward to the ocean. This was always considered an arbitrary decision, and not warranted by the patent. It was now decided, by commissioners from the neighboring colonies, as Massachusetts declined having it settled in England, that the line should begin as before settled, and run about thirty miles on the north of the river to a point where it takes almost a direct northerly direction, and then to cross the river and proceed westerly. By this determination Massachusetts lost a large tract which it had long

claimed, but in the opinion of impartial judges with little justice; and Governor Belcher failed not to receive much censure in the affair. But there was really no impropriety in his conduct, relating to the decision of this question.

It was in the following year, or 1741, that the line was also run and settled between the old colony of Plymouth, then a part of Massachusetts, and Rhode Island. The patent to that colony, like many other of the royal grants, interfered both with Plymouth and Massachusetts, as it was sometimes interpreted. In the decision at this time had, the towns of Tiverton, Compton, Bristol, and part of Swanzezy and Barrington which had been previously claimed by Plymouth, were allotted to Rhode Island. It was difficult to find any reasons for this judgment, from an examination of the terms of the Plymouth patent; and it was believed that there was some influence arising from the consideration, that Rhode Island was of small extent, while the territory of Massachusetts was already very large.

Governor Belcher was recalled in 1740, in consequence of some complaints preferred against him by political enemies; but the charges could not be supported; and the more his conduct and measures were scanned, the more favorable was the public opinion with regard to him. He proved himself faithful to the king, without encroaching on the rights, or disregarding the interests of the province. The clergy gave him a high character both for piety and liberality. He was a member of a congregational church, but was catholic in his treatment of Episcopalians.

Mr. Shirley came into office, as Governor of Massachusetts, in 1741. He was born and educated in England; but had resided some time in Boston, where he was engaged in the profession of the law. In that occupation he gave evidence of talents; and afterwards displayed good judgment and decision both in political and military affairs. When he was appointed Governor, the province was oppressed with a heavy debt; and the embarrassments produced by the paper money policy were felt by all classes of people. He had also the same difficulty to encounter, in supporting the prerogatives of the crown, which had often given his predecessors much trouble. In these circumstances, it required great talents, firmness and moderation to avoid censure. It was his policy, or his measures tended, to set the parties then in the province in warm opposition to each other, and thus to prevent angry disputes between himself and the General Court. If this were his purpose, he probably was sometimes justly

chargable with temporizing ; but he was uniform in his opposition to the paper money system, which was producing both public and private evil, and always conducted as a faithful servant of the king, and giving as little offence as his duty to him would allow.

A few years after Shirley was placed at the head of the province, in 1744 war commenced between England and France. The war immediately preceding this was terminated by the treaty of Utrecht in 1713 ; and however it might have been observed in Europe, it was often violated by the French in North America. One cause of this, perhaps, was the controversy as to the true bounds between the French and English settlements. The French laid claim to Acadie, which not only comprised Nova Scotia but included the territory westward as far as Penobscot and even Kennebec. And it was the policy of the French government to check the growing settlements of the English in New England, by instigating the Indians to attack them.

This declaration of war was not indeed placing the people of Massachusetts in an entirely novel situation ; for during the previous half century those two European powers had frequently been engaged in hostility with each other ; and their colonies in North America were drawn into the contest. But the British and provincial troops had not acted together. Massachusetts had promptly provided for her own defence, when attacked by the French and Indians, without waiting for assistance or direction from England. Not only did they bear the expense of settling and enlarging the colony, but they paid the cost of all measures of defence against the invaders for many years ; and yet when requisitions were made on the province, it furnished men and provisions in the expeditions against Canada and Nova Scotia, at a former period. They were always ready to join the parent government against the common enemy of both ; though they claimed the right of free action in the case, and generally provided for the payment of the men thus employed.

At the commencement of the war, in 1744, the French discovered a determination to take possession of Nova Scotia ; one place was soon attacked and captured ; and Port Royal, or Annapolis, was the principal fortress which could check them. It was then protected by troops from Massachusetts, who had bravely defended it against repeated attacks. This exposure led to a plan, suggested or early encouraged by Governor Shirley, for the destruction of Louisbourg in the Island of Cape Breton, which was then a shelter and a place of preparation and rendezvous for the French fleet.

This was an enterprise of no ordinary daring ; but it was vigorously and successfully prosecuted, to the great glory of the victors, and especially to Massachusetts, whose troops bore an honorable and an essential part in the expedition. It was fitted out from Boston towards the close of March, 1745 ; and consisted of 3200 men from Massachusetts, 500 from Connecticut and 300 from New Hampshire. The naval provincial force consisted of ten vessels, the two largest of which had twenty guns each. The troops were commanded by General Pepperrell of Massachusetts,\* and they arrived at Cape Breton the last of April. The naval force was joined by a British fleet under command of Admiral Warren, near the place of destination. After proper and efficient preparations, the strong port of Louisbourg, defended by 2000 men, 650 of whom were regular troops, was taken on the 17th of June. The French lost 300 men ; and of the English and provincial troops 100 were slain, and 30 died by sickness. The results of this victory were highly important, as a principal resting place for the French fleet in that quarter was wrested from the enemy. The plans and instructions of Governor Shirley to General Pepperrell indicated correct and comprehensive views. General Pepperrell conducted with great energy and bravery, and the troops behaved with the steady courage of veterans. The parent government felt and acknowledged the great merit of the expedition, and soon after voted to reimburse the expenses which the province had incurred. But, unfortunately, it engendered a jealousy in England of the growing power of Massachusetts, which dictated measures to prevent its political advancement.

This bold enterprise was planned in the winter of 1744-5, when it was expected the French would make an attack on Annapolis, and endeavor to gain possession of all Acadie. In this expectation, Massachusetts had previously sent 200 men to retain that important place ; and they bravely defended it against a large French force, by which it was attacked. The governor was obstinately opposed in this project for several months, by the house of representatives, who thought it would not only be of great expense to the province, but must prove unsuccessful, from the strong fortress which was kept at Louisbourg. It was treated as a most desperate enterprise. The house finally voted for the measure by only one majority, after long discussion ; and the merchants, and those concerned

\* General Waldo of Massachusetts, and General Wolcott of Connecticut were next in command. Rhode Island and Connecticut had some vessels in the expedition, but were late in arriving.

in the fishery on the eastern coasts of Nova Scotia, had petitioned in favor of it. The intelligence of the conquest was the occasion of great rejoicings; and those who had opposed, joined in applauding both the projectors and the actors in the wonderful achievement.\* But instead of terminating the difficulties and dangers which beset the province, the defeat of the French, on this occasion, provoked them to greater preparations and efforts against the English, especially the colonies in New England, which they threatened to invade and conquer. They not only resolved to regain Cape Breton and Acadie, but to attack and annoy, as they might be able, all the English settlements on the Atlantic. At the same time, the British government proposed to make an attack on Canada, and to drive the French from that country, whence they were ever menacing and making sallies against the New England colonies. It was determined to send out a formidable naval force, with other troops, which were to be aided by men from the provinces. Massachusetts, as in all similar projects, at this period, was called upon for the largest number; and these were seasonably raised, through the zealous efforts of Governor Shirley, though it was a great burden to the people, who had long been subject to requisitions, both of men and money. But with all these plans and preparations, very little was accomplished, by either contending power. The threatened attacks of the French were prevented, by unfavorable weather, as well as from various opinions as to the specific enterprises to be undertaken; and yet the fear of a hostile visit to New England gave the people great anxiety, and created much expense. The British administration was charged by Massachusetts, with disregard of the welfare of the colonies, and want of proper energy, on this occasion. It failed to fulfil its plans of attacking Canada; and when the French fleet sailed, it made no preparations to pursue it. When it was found that the expected expeditions, both of France and England, had failed, it was concluded by the northern provinces to make an attack on the French at Crown Point. On this occasion, 1500 men marched from Massachusetts as far as Albany; but it was late in the season, and nothing important was effected. At the same time, on intelligence of a projected invasion of Acadie, by the Canadians and Indians, the governor sent 600 men, for the protection of Annapolis, which it was deemed very important to keep from the common enemy, both of England and the provinces. But,

\* In 1745, there were unusual complaints of the prevalence of intemperance; and it was represented as a great bane to the settlements.

though Annapolis was preserved, the Canadians remained in Nova Scotia; and it was deemed necessary to send more men to that territory. These sailed in the winter, and suffered much by severe cold and storms. One transport was wrecked, and those who landed were in a condition of great exposure; the French surprised them, slew upwards of one hundred, and captured the remainder of the party. The Massachusetts troops in Nova Scotia were disbanded in September, 1747; and peace soon followed between England and France; but the expense of these military enterprises added greatly to the debts of the province. Soon after the peace of 1748-9, Governor Shirley was appointed a commissioner on the part of England, to proceed to Paris, and assist in settling the boundary lines between the French and English colonies in America. When he received this appointment, he was in England, whither he had repaired on business, both of a public and personal nature. As a commissioner, he conducted with perfect integrity, and much ability. He returned to America in 1753, to resume the office of governor of Massachusetts. Spencer Phipps was lieutenant governor during this period.

During the year 1747, a riot occurred in Boston, on account of the impressment of several of the citizens, all or most of them respectable mechanics, by the commander of a British squadron, then in the harbor. It continued with little suspension for several days; and displayed that trait of character in the people, an indignant impatience of arbitrary power, which was afterwards manifested in more disastrous results. The act of impressment, though not a singular occurrence, was not justified or even excused, except in cases of great emergency. No such excuse could then be given; and the pretext was, that some of the crew had deserted. The great body of the people were much excited. They seized some of the British officers, who were found on shore; and when the governor interfered, for the preservation of the peace, he was also treated with disrespect and rudeness. So riotous were the people, that they attacked the house of the governor, and threatened personal violence. They were, however, persuaded to disperse; and yet the following night, believing himself in danger, he retired to the castle. The more judicious and sober part of the town, as much opposed, however, to the unjustifiable conduct of the naval commander, as the other citizens, used their influence to preserve the public peace; and tranquillity was restored. For four or five days, it was not safe for the naval officers to appear in the streets; and all who advocated them, were rebuked and threatened.

Soon after Governor Shirley went to England, in 1749, there was a plan for establishing bishops in the American provinces. The intelligence gave great alarm, particularly to the inhabitants of Massachusetts, and of the other New England colonies, who were strongly attached to the congregational system, and much opposed to the episcopal form of church government. There was no proof, however, that Governor Shirley originated or urged the plan; and his general character for honesty and frankness forbid the supposition. He had a controversy with the general court, as several of his predecessors had, respecting his salary; but he was not unfriendly to the clergy of the province. It was natural, that the descendants of the puritans and nonconformists of 1630, and of 1663, should be averse from episcopal domination; and that those who were of the church of England should be suspected of plans to extend their power. A similar proposition had been made more than thirty years before; and the society for propagating the gospel in New England, composed of Episcopalians, by locating their missionaries where congregational ministers resided, seem to have judged that none but those of their communion were duly authorized to preach the christian religion. There is abundant proof, from the records of past times, that the dominant party have generally been intolerant and exclusive.

The disputes and the embarrassments, of which the paper money system, for a long time, had been the occasion, and for a relief from which various projects had been presented in vain, were brought to a close, by receiving the sum granted to Massachusetts, as a reimbursement of expenses in the expedition to Cape Breton, and that projected to Canada the year after. In 1747, it was ordered by parliament to reimburse those expenses of the province; and in 1749, the amount appropriated was paid, through the agent, Mr. Bollan. The claim amounted to nearly £262,000, in bills of the new emission, but the sterling value was £184,000, the exchange being £142,10 for £100. Such was the relative value in 1744, when the new emission was made; but, before the reimbursement was ordered, it was £250, for £100, and for the old bills it was as great as £1000 for £100. The sum allowed by the parliament was generally considered to be liberal, but it did not give the ability to redeem all the paper issued by the province, and then in circulation. To meet the balance, a tax was ordered to be raised of £75,000, payable in paper, at the rate of exchange above stated. Various projects had been offered before to put an end to the mischiefs of the paper money system, but they had failed; because of different views, as to the best mode of effect-



ing it ; because speculators were interested in having such a currency ; and because the people, through a strange misapprehension, supposed the abolishment of the system would be injurious to them.

One great cause of the opposition to the plan of stopping the emission of paper money, and introducing specie currency, was to be found in a jealousy of the king's prerogative.\* The parent government was desirous of checking the paper currency, not from arbitrary views, but from a wise regard to the prosperity of the province. And the governors had instructions to give their negative to all bills for their increase or continuance. The representatives considered this an improper interference with the internal affairs of the province ; finding immediate relief from the policy, to the common people, as was alleged, they insisted on extending and supporting the system. This was an unfounded jealousy ; and soon after the discontinuance of paper money, the people became satisfied both of the justice and expediency of the measure.†

It is in the strong religious character of the first and early inhabitants of Massachusetts, that one finds the chief cause of the efforts they made to promote industry and sobriety through the community. Sometimes, perhaps, their legislation was an improper interference with individual rights. Such might have been a sumptuary law, which was passed in the early days of the colony. There could not be the same objection to a society, formed in 1749, for the promotion of industry.‡ As much is effected by example and combined effort, such an association

\* It was not that the prerogative of the crown was in all cases denied. In professions, at least, it was admitted. But the general court undertook sometimes to limit it, or to judge of its propriety. As in the case of the paper money, they contended it was a matter of internal policy, of the expediency of which they were to decide ; and therefore objected to the royal instructions for prohibiting its issuing and circulation. When the act of the general assembly was passed, after long debate, according to the instructions of the king, and the will of parliament, there was an exception in the event of invasion, and for the current expenses of the year.

† During the paper money system, especially when attempts were made to abolish it, and introduce a specie currency, the parties in the province were known rather as debtors and creditors, than as whigs and tories. And the debtors were far more numerous than the creditors, which furnishes the reason that the bills were kept so long in circulation, and were at last given up with so much reluctance.

‡ The repeated wars, for several years, had not only diminished, or retarded the natural increase of the population of the province, but served to introduce a habit of idleness, with those who had been engaged in similar affairs ; and this was the immediate occasion of the formation of such a society.

was probably attended by beneficial results to the state.\* The clergy gave their efficient aid for this laudable purpose.† The act passed the same year, to prevent vexatious law suits, was more directly the policy of the civil rulers; and yet it might have been as useful as the encouragement of industry. The principles and the institutions of the pious founders of the colony were revered by their children, for many generations; and their good influence has continued, in a great measure, through a period of two hundred years.

The treaty, concluded in 1748-9, though it suspended all hostilities, on the part of the French, against the British settlements in America, did not wholly restrain the Indians. Written treaties do not always control their conduct. A remembrance of real or pretended injuries of former times, often excited a spirit of revenge, which spent itself wherever there were objects of its hatred. The eastern frontiers were supposed to be still in danger, and nearly five hundred troops were kept in service, until assurances should be given of a friendly disposition in the Norridgewock and Penobscot tribes. In course of the summer of 1749, these tribes sent delegates to Boston, to propose terms of peace; which, in October following, were settled at Falmouth. The St. Francois tribe was also represented at this meeting; for it generally acted in concert with the other two. The treaty, made with them in 1726, by Lieutenant Governor Dummer, was the basis of the present convention. By the instrument, which was signed, they promised to live in peace with the English in that quarter, reserving the lands not sold and conveyed already, and the privilege of hunting and fishing where they might choose. They also agreed, that trade

\* In 1753, on the anniversary of the society for promoting industry, three hundred females of Boston assembled on the common with spinning wheels. They were neatly attired, in cloth of their own manufacture; and a great crowd of spectators collected to witness the scene.

† The congregational form of church government was, in effect, the established ecclesiastical system in Massachusetts. It was the only form supported or tolerated for the first fifty years; and the towns were required to settle and maintain ministers of that communion. Afterwards, laws were made more favorable to Episcopalians, to Anabaptists and to Quakers. But the first laws only provided to exempt the polls, while the estate was taxed for the support of the congregational clergy. The civil authority favored the congregational churches, and none others, till the parent government required that different denominations should be tolerated and protected. A more catholic spirit was beginning to prevail, at this period, and there were less denunciations of opposing sects, except that the papists were condemned as wholly antichristian. Most of the clergy were poor; and, as might, therefore, be expected, had little time for literary pursuits; but there were some among them who were laborious students and learned theologians.

should be regulated by Massachusetts, and that they would submit to the laws of that jurisdiction.

Complaints continued to be made against Massachusetts, both by the ministry and a portion of the merchants in England, for disregarding the regulations of trade, as enjoined by the parent government. There was just cause for these complaints, in many instances, of evading the payment of duties. For there was such a general impression, that these acts of parliament for raising a revenue chiefly for the benefit of England, while the province had a debt and current expenses of its own to meet, were unjust, that they were evaded, when it could be done, with impunity. To the charge of disregarding the restrictive parts of those laws, prohibiting trade with French, Spanish, and Portuguese ports, the general court and people of Massachusetts replied, that it was an oppressive regulation, and operated greatly to their injury. But the British government insisted upon its right to legislate, in this respect, over the colonies; and it was for the benefit of England to have the whole colonial trade centre in that kingdom. The chief object with the British ministry was the prosperity and wealth of old England; the growth of the colonies was quite a secondary consideration, farther than they could be made to minister to the resources of that country. This was long an occasion of dispute and difficulty between Great Britain and her colonies on the American continent; and was one of the causes which afterwards led to the contest, which issued in their independence. It was generally admitted, that parliament had the right to regulate foreign trade, though this was not always granted, as the regulations operated against the prosperity of the colonies; but when the revenue was ordered to be entirely for the benefit of England, the right was denied, or its exercise represented as oppressive and unjust in its effects. For this was said to be the same as laying taxes on the people in the colonies, for the support of the parent government, when they were not represented in the legislative body which made the laws for levying them. And this was a principle which they always opposed as arbitrary, and to which they appeared resolved never to submit.

At this period, and in this state of opinion in both countries, the ministry adopted or revived the policy of obliging the colonies to receive all their cloths, and other products of foreign importation, from England; and discouraged the introduction or extension of manufactures into America. The manufacture of iron into nails was prohibited, though there were materials in the country. There were then four such manufactories in

Massachusetts, two in Middleborough, one at Hanover, and one at Milton.

Massachusetts usually employed an agent in England, to represent the wants and condition of the province, and to be ready to answer such complaints as might be made against it, by its jealous or interested enemies. He was active in obtaining a reimbursement, by parliament, of the expenses of the province in the expeditions against Louisbourg and Crown Point; and at all times had the reputation of an able and faithful agent. He was also instructed to solicit aid for supporting the forts on the frontiers, to pray for exemption from impressments, and to prevail with the British government to direct, that, in future wars, the colonies should bear their respective proportions of the expense.

The spirit of the people of Massachusetts, at this era, and their promptness to assume the character of soldiers, when the province was in danger, were often displayed. When summoned by the king, or their more immediate rulers, to go forth against the enemies of the country, they readily obeyed; and when the hour of danger was over, with a few exceptions, they returned to their homes and resumed their common occupations. In 1747, there was a report spread through the province, that a large French fleet had been fitted out to invade the coasts of New England, and to make an attack on Boston. The rumor in the interior was, that they were already on the coasts. A large body of the militia, estimated at six thousand five hundred, assembled in the capital, as soon as the report reached them, duly equipped, with fourteen days provisions; and some of them marched seventy miles.

The numerous and expensive military enterprises, which were undertaken during several years, necessarily produced heavy taxes, though England had made allowances for a part of the expenses of two of these expeditions. The tax of the province, in 1748, was £415,512, old tenor, or £41,550 sterling. Of this sum, Boston paid £65,520, or £6,550 sterling. The whole number of inhabitants was estimated at 160,000; and Boston contained 16,000 of the whole. A calculation was afterwards made, on the subject of the increase of population of New England, when the opinion was given, that it doubled in twenty or twenty-five years. But this was not the fact from 1690 to 1750, in consequence of the loss of lives, in the many wars in that period of years.

There were two collectors of the customs, arising from importations and foreign tonnage, one in Boston and one in Salem. For the year 1748, the number of vessels cleared at

each of those ports, was as follows: At Boston, 540 foreign vessels, and of American vessels for foreign voyages, 491: at Salem, 131 vessels were cleared for foreign voyages. Large quantities of rum were manufactured in Massachusetts, at this time; according to some statements, fifteen thousand hogsheads annually. It was partly consumed in the province, and much exported to the southern colonies, to Nova Scotia and Newfoundland, and to the coasts of Guinea.

## CHAPTER VIII.

Gov. Shirley returns—Lt. Gov. Phipps—Indians hostile—Forts built on Kennebec—Treaty with six nations—Proposal of a union of the Colonies—Heavy taxes—Excise proposed—Printer imprisoned for a libel—Further preparations for war—Expedition to Nova Scotia and against Canada unsuccessful—Opposers of Shirley—Expedition to Oswego, and to Crown Point—Earthquake—New Campaign—Gov. Shirley made Commander in Chief—Gen. Winslow—Shirley superseded by Gen. Abercrombie, and returned to England—Campaign of 1756 unsuccessful—Great expenses to the province—Rogers' Rangers.

GOVERNOR SHIRLEY returned to America, in 1753, and resumed the administration of Massachusetts. For the four years he was absent, Lieutenant Governor Phipps was commander in chief of the province. Under his administration the treaty was made with the eastern tribes of Indians, in October, 1749, and an exchange of prisoners was effected soon after, when several citizens of Massachusetts, who had been taken by the Indians, on the western frontiers, were restored to their friends. A call was made on Lieutenant Governor Phipps, in 1749–50, by the British commander in Nova Scotia, for assistance against the Indians, who were instigated by the French to invade that territory. He was unwilling to make war on the Penobscot tribe, as he was urged, without first attempting pacific negotiation. But he gave some aid, by troops from the province, to the British officer: the public armed sloop was put under his command, and the French governor of Canada, who encouraged the Indian tribes in their invasion of Nova Scotia, was notified that Massachusetts would make common cause with the British in that quarter.

The following year, the Canadian Indians attacked several places on the Kennebec River, near Fort Richmond, and below at Arowsick Island, where they burnt dwelling houses and made a few prisoners. The immediate provocation to these wrongs was a dispute which had happened near Sheepscot River, between the English settlers and some Indians of the Norridgewock tribe, in which one of the latter was killed. The general court ordered that one hundred and fifty men be raised, as a scouting

party, for the defence of the frontier settlements. As the Canadian Indians still manifested a hostile spirit towards the English, and were endeavoring to engage the eastern tribes to attack the frontier settlements in that quarter, another convention was held at Georges River, in 1757, and the articles of a treaty formed two years before, were agreed to be observed. But on the return of Governor Shirley, who had reason to fear new attacks from the Indians, by the instigations of the French in Canada, he sent commissioners again to treat with them, to obtain new and solemn pledges of peace. He seems to have expected that there would soon be war again between England and France; and would, therefore, if possible, gain the friendship of the Indian tribes before it commenced. Probably, in his negotiations at Paris, he perceived indications of a purpose of the French government, which was afterwards disclosed, of a formidable armament against British America, with a design to take possession of the whole country.

Soon after the return of Governor Shirley, the designs of the French against the British possessions began to be developed, by depredations of the Indians, both at the east and west, who did not, at this late period, attack the English, unless urged on by their ancient ally or master. The plans of the French were to maintain their territory in North America, including all which they actually possessed, and all which they claimed, to a great part of which the English pleaded a prior title; and they probably had an ultimate design of obtaining possession of the whole country; for so important were the settlements of the country, at this period, that the nation which should have possession of the whole, or the greater part, would have a preponderating power in Europe. The first step in the prosecution of this design, was to erect forts on the western borders, to a great extent, and several of these were on the territory claimed by the English. Those on Lakes Champlain and St. George, and on the river Ohio, were of this description.

This conduct on the part of the French could not but create alarm to England and her colonies; and Governor Shirley particularly, viewed it with great concern. He immediately took measures of precaution, though war had not been formerly declared. In the summer of 1754, accompanied by several gentlemen, and 500 men under command of General Winslow, he visited Falmouth, where he renewed the articles of former treaties with the eastern Indians; and thence proceeded to the Kennebec and explored the river as far as the great falls, thirty miles above Norridgewock, but discovered no Indian forts, which it had been reported were erecting there. During

this expedition, and with the approbation of the general court, in order to protect the eastern frontiers of the province, two forts were built on that river; one on the present site of Augusta, on the eastern bank; and one eighteen miles higher, at the junction of the main river with the Sebasticook, opposite the Teconnett falls.

While these measures of precaution were taken by Massachusetts alone, at the instance of her provident and intelligent governor, the British ministry, with a view to the protection of all the colonies, supposed to be in great danger from the French in Canada, proposed a convention to be composed of delegates from each provincial government, to secure the friendship of the Indian tribes, called the Six Nations. They had, in indeed, been long in amity with the English, and had acknowledged themselves subject to the British king. But it was important to brighten the chain of friendship anew; especially, as they had been dissatisfied with the conduct of New York. This meeting was holden in Albany, in June, 1754; but only six provinces had delegates attending it. About 150 of the Six Nations were present, who professed friendly sentiments for the English, but desired some assurances might be given that no encroachments should be made on their territory. This assurance was given, as well as that of protection against the French and the tribes in alliance with them; and large presents were distributed, as was usual on such occasions.

At this convention, it was proposed to form a union of the colonies, from New Hampshire to South Carolina inclusive, under one general government, for the purpose of common defence; each province, or colony however, to retain its constitution and charter, except as to general powers for the welfare of all. The only government which had proposed such a system before the meeting, was Massachusetts. After the convention, when the plan was laid before the several general assemblies, it was not approved; nor did the British government urge the proposition, from an apprehension probably, that it might soon lead to independence.

The taxes at this period, as for several preceding years, were so great as to be oppressive, especially to the landholders, who found it difficult to raise money, and who therefore complained that the polls and real estate were unduly rated. The complaint was considered so reasonable, that the general court manifested a wish to afford relief; and hence originated a bill for raising money by excise on spirituous liquors, which was advocated by the members, from the inland towns, but



opposed generally by the towns on the sea coasts excepting Boston. The opposition of the latter to the bill was not supposed to arise from interested motives, but from a regard to personal rights and liberty, which were in some measure violated by it. For with a design to prevent all evasions, the bill provided, that every private householder should make oath, whenever required, that the liquor which he had was purchased of a person duly licensed and that the duties had been paid. This feature of the bill was extremely obnoxious, since it authorized the officer of the customs to enter any dwelling-house where he suspected there was spirituous liquors, on which the duties had not been paid. Even the governor declined giving his sanction to the bill, in its original form; and there being but a small majority in favor of it, and probably, if all the members had been present, it would not have passed, it was postponed, and in the meantime submitted to the people in the several towns, for their opinion. This was a singular course of proceeding in legislation, and many doubted the policy of the measure. But the people were much divided on the subject, and it became necessary for the general court to take the responsibility entirely on themselves. After much discussion, it was passed with some alterations, which however did not change the principles of the bill; and the governor, at last, gave it his signature. For this want of consistency, as it was called, he was censured by a great portion of the people; and his motives were impeached, when the majority of the representatives who were the friends of the bill, soon after made him a liberal grant for services, which had long been solicited, but postponed.

On occasion of this excise act, and the conduct of certain members of the general court, who were accused of voting from selfish views, there was an unusual excitement of the public mind, and the spirit of the people was manifested, as is common in a free country, by severe reproaches and invectives. The language, in one of the Boston papers, was considered libellous by the general court, and the printer was arrested. After due examination, he was ordered into confinement, by the house, and kept in prison several days; when, at the entreaties of his family, he was dismissed with a reprimand from the speaker. The printer conceived the arrest and confinement to be illegal, and commenced a suit against the speaker for false imprisonment. His cause was not sustained by the judicial tribunal to which he appealed, the speaker was discharged, and the printer was mulct by payment of costs.

The winter of 1754-5 was passed in maturing plans and in

preparations for prosecuting the war with effect the ensuing season, and in representations to the British government of the need of efficient aid from England for this object. Governor Shirley manifested his usual zeal and loyalty on this occasion. He proposed to the general court to raise men for an expedition in the spring, against Crown Point, on Lake Champlain, then in the hands of the French from Canada. The plan was suggested to them in confidence, as it was important, in his opinion, to take the enemy by surprise. The assembly soon came into his views, and granted such facilities as could be well done, till the time arrived for carrying the enterprise into execution. The general court also readily agreed to raise men, for the conquest or protection of Nova Scotia, then invaded by the French. The plan was proposed by the British government; and it was in compliance with its requisition, that the troops were raised for that expedition. It was indeed approved and forwarded by the governor; and he hastened to Boston, from a convention, held at the south in April, by request of General Braddock, to forward the embarkation of the men destined for that eastern territory. Most of the troops in this expedition were from Massachusetts; but as it was at the expense of England, they were to be paid the same wages as regular soldiers, and yet to be a distinct corps and under the immediate command of their own officers\*. Colonel Monckton, a British officer, was appointed the commander-in-chief of the expedition; but the Massachusetts troops were commanded by Colonel (afterwards General) John Winslow of Plymouth county, a brave and intelligent officer. He was, in fact, the efficient leader in this prompt and successful enterprise. His popularity was so great, that 2000 men, the number required, were raised in a few weeks. He sailed from Boston towards the close of the month of May; and before thirty days had elapsed, being joined by about 300 regular British troops, he took the two fortified places then in possession of the French, which entirely put an end to their power in Nova Scotia. Louisbourg was then in the hands of France, and to that place the prisoners were sent; while the inhabitants, who professed to be neutral, but who were thought too subservient to the French government to remain, were transported to Massachusetts and to other British provinces.

This fortunate expedition was not the only, nor the principal military enterprise which engaged the attention of the

\* Some difficulties arose, both before and after this period, from directing British officers to command the provincial troops.

governor and general court of Massachusetts, at this period. At the convention in April, called by General Braddock, it was agreed, that while that officer proceeded against the enemy on the Ohio River, an attack should be made on Oswego, situated on the eastern shore of Lake Ontario near Niagara, by the two regular provincial regiments, called Shirley's and Pepperell's regiments, under Governor Shirley; and that the expedition, projected in Massachusetts, and a favorite object, both with the governor and the general court, should proceed against Crown Point, on Lake Champlain. For the last expedition, Massachusetts voted to raise 2000 troops, being a full moiety proposed for that purpose and 300 afterwards, as recruits, if they should be wanted. It was also voted to appropriate £600 for the use of the six Indian tribes in the interior of New York. The people of the province, generally, entered into the project with great ardor and promptitude; for, after the success against the French and Indians at the eastward, the only way for those in Canada to make inroads on the settlements would be by Lake Champlain.

With all these formidable and expensive\* preparations, nothing decisive or important was effected; but, on the contrary, the campaign closed and left matter for recollection, only of defeat, jealousies rivalries and criminations.†

General Braddock met a disastrous defeat; himself and most of his officers being slain: and the few who escaped, were saved by the agency of Major Washington, that brave and prudent man, who, under providence, afterwards saved the whole country from tyranny and oppression. The detachment ordered to Oswego on Lake Ontario, though commanded by the resolute and enterprising Shirley, could not be brought to act with effect; from unfavorable weather, and a failure to furnish the men which had been promised. The troops which were to make an attack on fort Frederick at Crown Point, under command of General Johnson, met with various obstacles, some of which were unexpected, and others owing to a want of due caution or promptness in the commanding officer. The forces in this enterprise were chiefly from Massachusetts and Connecticut, and were under the im-

\* In consequence of these expeditions, a loan was resorted to of £50,000; of which £17,350 were for the Crown Point enterprise, and £12,500 for forts.

† De Lancy, the Lt. Governor of New York, and General (afterwards Sir) William Johnson were opposed to Gen. Shirley, who, after the death of Gen. Braddock, was commander-in-chief of all the British forces in America. Instead of aiding, they thwarted his plans, and were always seeking or devising pretexts for censuring him.

mediate command of General Lyman. He was sent in advance, and threw up a fort on the eastern side of the Hudson, below Lake George, and about sixty miles from Albany. General Johnson soon followed, and pushed forward to the south end of that lake; and it was in his plan to have hastened immediately to Ticonderoga, situated between the lakes George and Champlain; there to fortify himself, and thence to proceed, if advisable, to Crown Point, which it was the chief object of the expedition to take and maintain, as a check to the enemy. But he had such reports of a formidable force at Crown Point, that he considered it imprudent to proceed further without more troops. He therefore called for recruits from several of the nearest colonies. Massachusetts, although there were then more than two thousand of her citizens in the army, voted to raise two thousand more by enlistment, or impressment, and offered a liberal bounty to such as should engage. Before these recruits were ready to march, or had reached his quarters, General Johnson had intelligence that the enemy from Crown Point were on their way to attack him. He sent out a party to reconnoitre, and if possible to prevent their approach. This party was surprised and retreated; and the enemy continued to advance: But halting, from some unknown cause, at a short distance from the American camp, General Johnson seized the fortunate moment, and making a vigorous assault, when not expected, he routed the French and their Indian allies. This partial defeat was followed the ensuing night, by two hundred of the New Hampshire troops, falling on them unexpectedly in their quarters, and causing their entire dispersion. Colonel Williams, an officer in the Massachusetts line, who commanded the troops sent out by General Johnson to check the French, was killed in this affair.\*

After the sad reverses, in other places, this brave defence was matter of some triumph, though the great object of the expedition was not accomplished. The enemy did not lose the important posts in that quarter, which it had been confidently predicted would be wrested from them, by such a powerful force as was sent against them; nor were they in any measure discouraged from further efforts, by the very partial check they received from General Johnson.

After the affair between General Johnson and Baron Dies-

\* Colonel Williams was a native of Newton, but was then an inhabitant of Berkshire county. He was the founder of the college in Williamstown. His will, giving a large part of his property for the purpose, was made while on his way in this expedition.

kau, near the southern part of Lake George, an effort was made, in October following, to reinforce the English army and to proceed against Ticonderoga and Crown Point. On the advice of Governor Shirley, Massachusetts, oppressed as it was by the expenses of the season already incurred, voted to assist; and sent commissioners to Albany, to meet those from other colonies, for uniting in furthering the design. But it was there concluded that the men under General Johnson should be discharged; leaving six hundred, however, to man the fortress erected by General Lyman, on the Hudson, and a fort still nearer Lake George. Of this number, Massachusetts furnished nearly two hundred. When Governor Shirley returned from Oswego, he gave directions, that the place should be more strongly fortified; and seven hundred men were left for that purpose.

The fifth earthquake in New England, which excited alarm or notice, from its first settlement by the English, occurred in November, 1755. Its power and extent were very similar to the memorable one of 1727. It continued for the space of four minutes, and walls and chimnies were thrown down.

The British government, instead of abandoning the object, the conquest of Canada, for which the great military preparations had been made, resolved to prosecute the war with vigor, and to retrieve the disasters of the last campaign. Nor did the colonies lack a laudable zeal of aiding in the danger. None were more forward and prompt than Massachusetts. At that critical period, it had the just praise, from eminent characters in other colonies, "of being always foremost in measures of defence."

When the death of General Braddock was known in England, Governor Shirley was appointed commander-in-chief of his majesty's forces in North America; and he immediately summoned a council of war, to consist of the governors of the several colonies, to meet at New York. At this meeting, it was proposed to prepare for military expeditions the ensuing year, against the fort Du Quesne, and against Crown Point and Niagara; and that troops should also be sent up the river Kennebec, to attack the Indians in Canada. For all these enterprises, it was recommended to raise 12,000 men.

There was less zeal manifested for an expedition against Crown Point, both because it was believed that it would require great expense, and because it might be better to make an attack on Quebec, the strong hold of Canada, which would not make much greater expense necessary, and if taken, by aid of a British fleet, it would decide the contest. It was not therefore without some delay and some objections, that Massa

chusetts consented to engage in this and other expeditions proposed. Nor is it a matter of surprise, that they should have proceeded with caution in ordering three or four thousand men to be raised, whose wages and bounties, with other unavoidable expenses attending the expedition, would add greatly to the debt and the taxes of the province, already extremely burdensome to the people. And it was in the expectation, they said, that a sum would be advanced by the governor, who had funds in his hands belonging to the British government, for the wages of the past year, and a bounty for those to be raised the approaching season. £30,000 were soon after loaned to the province by the governor.

The popularity of Governor Shirley, at this time, was not so great as it had before been. The failure of most of the expeditions of the past year, was by some, though most unjustly, charged on him. And it was believed that he was ready, at the command of the British ministry, to call for men and supplies from Massachusetts, when she was heavily pressed by debt incurred for the common welfare. His measures were criticised and censured in the public papers; and some of the writers were incorrect in their statements, and severe in their accusations. The governor was so displeased with these free remarks, that he referred to them, in a communication to the general court. They expressed their opinion of the good character of the governor, and bore witness to his zeal and activity for the public welfare; but wisely declined to punish the printer, or to interfere in the case.

Early in the spring of 1756, the proper measures were adopted for enlisting men and preparing for the expedition to Crown Point. This was the most important object, and great efforts were made to raise the quota of men allotted to the province of Massachusetts, which was 3,500, for the expedition to that place, and Major General John Winslow was appointed to command them. He had then been some time in Nova Scotia, where he conducted with that prudence and firmness which added much to his character as an able military chief. But enlistments were not easily made. The people had become tired of military life, when their pay was long delayed, and their exposure to disease was deemed very great. In the expeditions, for several succeeding years, far more died by sickness, than were slain in battle. To this should be added, that the British ships of war were in the constant practice of impressing fishermen; and that a battalion from Massachusetts was detained in Nova Scotia, although the time of their enlistment had expired. From all these causes it resulted, that on

the last of May there were only 2,600 enlisted ; and so late as August, the whole number ready for the enterprise did not exceed 3,000.

Governor Shirley, in the mean time, though in the expectation of being superseded as commander-in-chief of the military forces, continued to give his attention to hasten and perfect the preparations for the intended campaign. Soon as his cares, as chief magistrate of Massachusetts, would permit, he proceeded to Albany, and remained in discharge of his official duty, till the arrival of General Abercrombie, in June, who was appointed to succeed him. Governor Shirley, soon after, sailed for England, having been informed, that his majesty's service required his personal presence there. He was not summoned to answer to any specific charges of misconduct, nor did he receive any public censure ; but was soon after appointed governor of the Bahama Islands, in the West Indies. And yet it is not improbable, that the representations made by the lieutenant governor of New York, and General Johnson, who were envious of his superior station, had an influence in his being superseded. The want of success in his plans of 1755, however vigilant he was, and the want of confidence which these and other officers had in him, might also furnish motives for his recall. He did not relax in his efforts for the honor of the British arms, and the security of the colonies, to the day of his departure ; and he carried with him the respect and gratitude of the people of Massachusetts, for his long and faithful services. After holding the office of governor of the Bahamas, he returned to Massachusetts, where he resided till his death, in 1771.

The military plans of Governor Shirley, for the year 1756, were generally approved by General Abercrombie, and by Lord Loudon, who succeeded him in a few months, except that it was concluded to make the most vigorous attack on Crown Point, rather than to maintain Oswego, and weaken the power of the enemy at Lake Ontario ; which Shirley had deemed of the greatest importance. His opinion was, that it was necessary to carry the war nearer Canada, and that by securing Oswego, enterprises might be made against the forts Niagara and Frontenac, or, at least, the enemy be prevented from passing from Quebec to Ohio, and Illinois. By having a force at Oswego, he also believed the French would be prevented from sending large supplies to Crown Point. The latter was not out of his plan, but a part of it was to seize that place also.

The departure from this extensive plan, and the delay

which was occasioned by a new destination of part of the men first intended for Oswego, was one cause of the failure of success in the expeditions proposed in 1756. The French had early information of the movements and designs of the English troops, by their Indian spies; and they ordered a large force on Lake Ontario, and captured the forts at Oswego. They were so powerful also at Crown Point, that General Winslow made no attack on that post. His chief object was to maintain his position at the south margin of Lake George, and to act on the defensive; such were his orders from Lord Loudon. The British forces under General Webb did not advance farther than Fort Edward, several leagues south of the lake, and on the bank of Hudson river. The small pox attacked the provincial troops, and proved extensively mortal. A difficulty also arose, as to placing the men raised in the province under the command of British officers, and the close union of them with regular British troops. This difficulty had occurred before; so that the men sometimes would not enlist, but on condition of being under the immediate command of their own officers. The question arose before Lord Loudon arrived; and again, soon after he took the command of the army. On representation of General Winslow, by request of his officers, the British commander consented, that the provincials should be kept distinct, and be commanded by officers under whom they had enlisted; with the reservation, that they should be subject to his orders and directions.

On the news of the fall of Oswego, a great alarm spread through the troops at and near Lake George, and even through New England. The enemy were represented to be numerous, and to be aided by a great number of Indians, ready for the work of cruelty and slaughter. On this occasion, the general court of Massachusetts ordered a draft of 1000 men, from the western part of the province, in addition to the numerous forces then in the service.

The autumn having far advanced, Lord Loudon permitted the provincial troops to be discharged, excepting one regiment belonging to New York; and ordered the posts which they had held to be garrisoned by the British regulars.

At the beginning of the year, on application to the British ministry, with a statement of the great expenses incurred the year before, in military preparations and services, advances were again made to the colonies of £115,000; of which Massachusetts received £54,000. But the expenses so far exceeded all calculation at the opening of the campaign, that



the general court of Massachusetts applied to Lord Loudon for a loan. But he was not able to accommodate them.

A corps of rangers, under Major Rogers, of New Hampshire, rendered much service, at this period, by alarming the enemy, and giving information of their forces and movements. A scouting party was also sent up the Kennebec River, as Governor Shirley had proposed, but not so large as was intended, nor with much benefit to the province, except to prevent the attacks of the enemy on the settlements in that part of the country.

## CHAPTER IX.

**Military plans for 1757—Lord Loudon—Nova Scotia, Louisbourg, and Crown Point—Governor Pownall—Failure of Expeditions—Massachusetts lost many troops—Character of Pownall—Dispute about quartering troops—House contend for the authority of the Province—Duties on Trade—Complaints against it—Campaign of 1757—Mr. Pitt—Gen. Amherst—Efforts of Massachusetts—Failure of expedition to Crown Point—Lord Howe slain—Louisbourg taken—Quebec taken—Wolfe slain—Major Rogers—Complaints of Provincial troops—Great expenses of War—Insolvent law—Gov. Bernard—Lt. Gov. Hutchinson—Campaign of 1760—Montreal taken.**

On a proposition of Lord Loudon, a council was held at Boston, in January, 1757, at which he and the governors of the New England colonies were present, when the outlines of a plan for military operations the approaching spring and summer were settled. It was agreed to raise 4000 men in New England, 1800 of whom were to be furnished by Massachusetts. The men were enlisted accordingly; but the enterprise against Crown Point was delayed, as Lord Loudon was anxious first to make an attack on Louisbourg, then in possession of the French, by virtue of the treaty of 1748. A British fleet arrived at Halifax, with 5000 men; and Lord Loudon repaired thither immediately. Intelligence was received at that place, that Louisbourg was garrisoned by 7000 men, and a large French fleet had sailed from Brest, destined to that port. He therefore relinquished his project of attacking Louisbourg, and returned to New York. Before he reached that province, the detachment at Lake George, placed there for the meditated expedition against Crown Point, or for a check, at least, to the advance of the enemy towards Albany, was attacked, and surrendered. General Webb, then commanding in that quarter, and stationed a few leagues south, at Fort Edward, immediately called for a reinforcement, expecting the French would also attack his quarters. The general court was not in session, but the council advised Governor Pownall, who had then just arrived, to issue the necessary orders to the commanders of

the several regiments, to have their men in readiness to march when called, and appointed General Pepperell to command them. He proceeded to the interior of the province, and made preparations to proceed; but intelligence was received from General Webb, that the enemy had returned to Crown Point, and did not appear disposed to advance upon New England.

When Fort William Henry, at Lake George, was taken, this season, a great portion of the men were from Massachusetts, under the immediate command of Colonel Frye; but the British Colonel Monroe commanded the whole force in the garrison, composed in part of regular troops. After they surrendered, the men were treated with great cruelty and barbarity by the Indians.

This third failure in attempting to conquer Canada, was most discouraging to the colonies and to England. There was a defect in the plans, or want of concert and energy in the efforts to execute them. Perhaps none were so wise as that of Governor Shirley, in the spring of 1756. In 1757, some blame might attach to Lord Loudon, for not sending a stronger force to Lake George; while it might also be justly said of the commander of the expedition, (General Webb,) that he did not discover all the resolution which it demanded. The expenses, growing out of these great efforts, were sensibly felt in Massachusetts, whence so many troops were engaged in the service; and had not the British government provided funds to a large amount, the province would have become bankrupt. It was the cause of England, as well as of the American colonies; for her preponderance in Europe must be sustained by her possessions and power on the western continent.

Governor Pownall was not a stranger in America, nor in Massachusetts. He had been in authority under the crown, in New Jersey; and though a political enemy of Governor Shirley, he was esteemed as a friend to the colonies. He had talents, and he had ambition also; and there was some reason to believe that he was not wholly innocent of the charge of having joined a cabal to destroy the popularity of his predecessor. Yet, when he entered on the government of Massachusetts, he was well received, and the people were disposed to judge candidly of his public conduct. In a dispute, which arose soon after he took the chair, between Lord Loudon and the general court, he acted a conciliatory part, prompted, by a desire, probably, to be in favor with the province over which he presided.

Lord Loudon, early in the summer, had required that barracks and quarters might be provided for British troops, on

their being ordered to be stationed in the province ; to which the house of assembly objected, and said that the castle was the proper place for them. In the fall of the same year, he proposed to the general court to pass an act, authorizing the civil magistrates to assign quarters for the king's troops, when they might come into the province. The house declined passing such an act ; again giving an opinion that the castle was the most suitable station for them. The British commander was highly displeased, and wrote again, both to Governor Pownall and to the general court, on the subject ; and to the latter rather in a tone of menace. Soon after, a British recruiting party, and other regular troops, arrived ; but no quarters had been provided. The governor exerted his influence, but in a mild rather than a dictatorial manner ; and referred, as Lord Loudon had done, to an act of parliament, authorizing such a measure. The house replied, that the act of parliament was designed for Great Britain, and not for the colonies ; and still postponed a compliance with the requisition. Lord Loudon wrote them, "that in time of war, the law martial must be obeyed." The house protested, that without their consent, it would be improper to enforce an act of parliament, unless it expressly included the colonies. After a few days of delay, however, they passed an act, providing for the quartering of the troops in *public* houses, and conforming, as far as might be proper, considering the difference between England and the colonies, to other parts of the act of parliament on the subject. Lord Loudon abated somewhat of the tone of his first demand, and the house were soliciting aid from the British ministry, which probably had some influence in their partial submission to his orders. A message was sent to the governor, in reply to his conciliating speech on the subject, written by Mr. Hutchinson, the chairman of a committee which reported it ; which was far from displaying the firmness and decision of the first resolution of the house, which kept the real question out of sight, and aimed chiefly to satisfy, or to quiet each party.

The attachment of the people of Massachusetts to civil liberty and their charter rights, was so powerful and deep-rooted, that they contended for them in all their distresses, and never could be induced to compromise them, in want or in danger. Their condition was often such, that they needed protection and relief ; but they seldom asked for aid, lest it would show their dependence on the parent government. They might have yielded, in individual cases, as that of the demand of Lord Loudon, to provide quarters for the British troops ; but when they did yield, it was always with a protest to save the princi-

ple,—that their consent was necessary, as the province was not represented in parliament. When it was proposed to instruct their agent to ask funds in England, to keep up the forts on the frontiers, it was apprehended that such a measure might increase the authority of that government over the province, and might lead to the exercise of its power incompatible with their charter rights. They wished not to lean on the parent state for safety, nor could they acknowledge any controlling power over the legislature.

It was this spirit and this principle, which induced them to oppose the regulations of trade, attempted to be enforced by the British administration; especially those provisions which authorized the raising of a revenue for the benefit of England. Previously to this period, such acts of parliament had been passed, referring not only to foreign trade, which often operated grievously on enterprising merchants; but to establish a rigid system in collecting the customs, all which were to swell the treasury of the parent government. They had always been willing to provide for expenses for their own government and defence, and therefore were ready to consider it oppression, to raise money from their industry and enterprise for another part of the empire. And greater than all others was the complaint, that it was denying the common rights of Englishmen, to levy and raise money from them, in any way, when they had no voice in the amount to be raised, nor the purposes to which it was to be applied.

The sugar act, so called, of 1733, was revived and continued in 1756. It purported to be for the encouragement of trade, but one of its objects was to raise a revenue, and was therefore obnoxious. The act granted a high duty on all sugar, molasses, rum, and spirits, not made in the British islands; and the penalties were also high for any violation or evasion of the law. The trade of Massachusetts was partly to other islands than the English; and these articles were taken in exchange for fish, and other things sent to those islands. The laws of trade thus amounted almost to a prohibition. For the first half of the century, especially for the first thirty years, the trade from Massachusetts to the islands in the West Indies, to the Western Islands, and to the ports in the Mediterranean, were very profitable. In 1750, the balance of trade to the West Indies was against the province.

For many years, Massachusetts imported English manufactures for the supply of some other colonies, as well as for her own consumption, which must have added to her prosperity. New Hampshire was the first gradually to import for her

inhabitants. Connecticut traded chiefly with Massachusetts, during the former part of the century. At an early period, the vessels of Massachusetts also engaged in carrying freight from the southern colonies to Europe. The trade to the West Indies, to the Wine Islands, to Portugal and Spain, was congenial to the habits and living of the people. Quoting the observation of a French writer in Canada, who said of the inhabitants, "that they would live well, if they could also dress well; but, if not, that they would retrench in the table to adorn their persons;" Mr. Hutchinson said, "that the English would rather abate of their dress, than give up their punch and wine, or their tea and coffee."

Notwithstanding the repeated disasters and failures of three former years, the campaign for 1758 opened with vigor and hope. Mr. Pitt had been placed at the head of the British administration, whose character for energy and patriotism was already justly appreciated. He was not less desirous of the glory of the nation, than zealous for constitutional liberty. Under his auspices, the plan for military operations was not dissimilar to that of Governor Shirley, in 1755. It was proposed to send a large fleet, with sufficient land forces, against Louisbourg, then in the hands of the French, to whom it had been restored by the treaty of Aix-La-Chapelle, in 1748. The celebrated General Wolfe was then a brigadier of the land forces in that quarter. The French fort at Du Quesne was to be attacked; and a large force was to be sent against Ticonderoga and Crown Point, on Lake Champlain. A requisition was made on the colonies to raise as many men, and furnish such provisions, as was practicable; and an assurance was given that a reimbursement would be made by the British government. The general court of Massachusetts had a short time before declined to issue orders for raising men, as requested by Lord Loudon; as it was apprehended they would be sent against Louisbourg, the capture of which was far less a matter of interest to the province than that of Crown Point, which would check the incursions of the French and Indians of Canada. But it was now resolved to raise 7000 men for an expedition against Canada, to be officered by citizens of the province, who might be appointed by the commander-in-chief. General Amherst had been appointed to this important station, in place of Lord Loudon, and such was his reputation, that the colonists had far more respect and confidence towards him, than the other had been able to inspire. Lord Loudon had been strangely inactive the two preceding campaigns, remaining at Albany with a large number of regular troops, while General

Winslow at one time, and the British General Webb, at another, had been at and near Lake George with forces, not sufficient for any offensive measures, and not able, indeed, to maintain the position they had taken against the enemy.

This was a large force for Massachusetts to raise, and the necessary expenditures were great in proportion. Bounties were to be given, or the enlistments would not be made; and this must be advanced by the province. The number raised by voluntary enlistments was 4,500; and it became necessary to raise the other 2,500 by impressment or drafts from the militia. The whole force under General Abercrombie, of regular British troops and provincials which advanced against the French forts at Lakes George and Champlain, amounted to upwards of 17,000.

General Abercrombie passed Lake George; and on landing at the northern borders, some distance from Ticonderoga, which he proposed first to attack, he sent forward a large detachment of 7000 men. But they were obliged to make their way through a wilderness without paths, where they were met by a party of the enemy, whom they attacked, and slew or captured the greater part. This affair, otherwise not very important, became memorable by the death of Lord Howe, a British nobleman, who was in the detachment, who, though young, had attained a character of uncommon celebrity for his bravery and virtue.\* The detachment returned to the main army, which soon after advanced to attack Ticonderoga, as had been proposed. After sending out small parties for discovery, by which, however, he seemed to have been misinformed, he resolved to storm the fort. It was a place of great strength, and was well manned; and, although he made a gallant assault, he found it necessary to retire to his former station. The loss sustained by the English on this occasion, was 1800 men, and many valuable military articles.

The enemy, however, did not discover any plan of acting offensively, and Colonel Bradstreet, of the provincial troops, was directed by General Abercrombie, having himself proposed

\* Major (afterwards General) Israel Putnam, who, with Major John Stark, were then brave partisan officers, and after acting with Major Rogers in the corps of Rangers, accompanied Lord Howe at this time. He proposed to go forward to ascertain the strength of the enemy's party which had been discovered, and Lord Howe insisted on joining him. Putnam objected in vain, saying that his own life was of little value, but that his lordship's was too valuable to be thus exposed. Howe replied, that life must be as dear to Putnam as to himself. Massachusetts voted £250 for the erection of a monument in Westminster Abby, to the memory of this accomplished and gallant nobleman.

the enterprise, to march to Lake Ontario, with three thousand provincial troops, and one hundred British regulars; and thence to proceed against Fort Frontenac, near the north part of the Lake and the River St. Lawrence. The enterprise was attended with complete success. He surprised and captured the garrison, with little opposition; and destroyed nine vessels, and other property, which fell into his hands; but soon returned, as it was reported a large party of the enemy were advancing against him.

The expedition against Louisbourg, mean time, was prosecuted with vigor, as had been proposed. It was invested by large naval and land forces, the latter commanded by General Amherst; and after a few days of judicious and vigorous assault it surrendered to the British. General Amherst arrived in Boston, from this expedition, in September, and hearing of the disastrous repulse at Lake George and vicinity, he hastened to Albany, to take on himself command of the army in that quarter, and give all possible aid for efficient action or defence; but it was thought to be too late in the season to undertake another expedition at that time; it being the opinion of military men of experience and judgment, that it would require great caution and circumspection, as well as courage, to be successful. The troops were also liable to fever and ague, and other sickness, at that season, near the lakes.

Besides the men killed by the enemy, many of the Massachusetts troops died by sickness; and the expenses, incurred by the province for the campaign, were a heavy burden to the people. But, with all this loss of life and treasure, there was such a desire to prevent the inroads of the French, and to drive them from Canada, that the general court readily consented, at the request of the British ministry, to raise 6,500 men, for another expedition, in 1759; in the expectation, however, that compensation would be made eventually by the English government. But a part of these were to be stationed at Penobscot, as a guard to those engaged in building a fort on that river; and it was also agreed, that such as chose might enter the British naval service. Several hundred of these men enlisted on board the English ships; and 2500 served at Louisbourg, to supply the place of British troops, who were required for the fleet ordered to Quebec.

The plan of proceedings was in a great measure conformable to that pursued the preceding year. The conquest of Canada being the great object, it was arranged, that a naval force should ascend the St. Lawrence, and an army advance by Lake Champlain. As a preliminary measure, it was agreed that the



main land forces under General Amherst, should attack Ticonderoga and Crown Point, and a detachment fall on the fortress at Niagara. The fleet, with General Wolfe and the troops under his command, arrived near Quebec, in the month of June. Much time was spent in ascertaining the proper place and mode of attack, and in preparing for an efficient and vigorous assault on the city, which was well fortified, and very difficult of approach. In one skirmish, which could not well be avoided, 500 men were killed and taken, and General Wolfe was some weeks suffering by severe sickness. In September, after a consultation with his officers, he concluded to make the attack, dangerous and desperate as it appeared. To one of his gallant bearing, there was no other alternative. The issue was doubtful for several hours, but British coolness and bravery united, at length decided the gallant conflict. The commanding generals of both armies were slain in the battle. Both were brave, and both distinguished for military talents. The English and American people have honored the memory of Wolfe, as one of the first among a host of military heroes. This brilliant affair afforded just cause of joy and courage to the New England colonies and to the whole British empire.

Meanwhile, General Amherst was advancing on Canada, by the way of Lake Champlain. Ticonderoga and Crown Point were successively abandoned by the enemy, as he approached, after destroying much of the valuable property, which could not be easily taken with them. They made a stand at the northern part of the lake, and Amherst proposed to pursue them. But he had no vessels or boats for the transportation of his troops, and it was impossible to march by land through a perfect wilderness. Vessels were ordered to be built; but it was so late, when they were finished, that the attempt to reach them was in vain. The tempestuous weather prevented the progress of the boats, and several of them were wrecked and lost in the enterprise; which was soon after abandoned, for that season. One of the vessels built at this time, was a brigantine; which was afterwards despatched by General Amherst, to make discovery of the force and condition of the enemy. She gave them some annoyance, but it was too late to continue in that climate. Major Rogers, with two hundred rangers, was ordered to fall on the village of the St. Francois Indians, on the south side of St. Lawrence, and who had made most of the depredations on the frontier settlements of New England, for many preceding years. He was accustomed to this sort of warfare, and to travelling through the thick forests like the Indians themselves. An event occurred on his way, which

obliged him to send back fifty or sixty of his party; but he proceeded with the remaining one hundred and fifty, and attacked the village, at an early hour in the morning, when they had no notice of his approach, and destroyed the settlement, and slew or dispersed the whole population. At the present day, such an act of cruelty would be severely reprobated. But it was then viewed in a different light: it was called just retaliation for former cruelties and butcheries, perpetrated by that tribe and its savage allies.

The people of Massachusetts had reason to complain of the British military commanders, that the soldiers were not always discharged when their term of enlistment expired. In 1759, those employed at Louisbourg, and on board the fleet, were detained long after the time for which they engaged to serve had elapsed. This made them averse from entering into the naval service, and insist, as they usually did, that they should not be united with British regular troops, but be kept in separate corps, and under provincial officers. They had an antipathy to mercenary soldiers; and though ready to engage in military service, for the defence of the country, they never wished to lose the character of citizens. They wished, indeed, to retain the distinctive character of militia; and they seldom enlisted, except for the season. To this general fact, however, there were, no doubt, a few exceptions.

The general court was so much occupied, on the dangers which threatened from the French and Indians, at this period, that there was less dispute and disagreement with Governor Pownall, than there had been with several of his predecessors. And he was not of a disposition to seek occasions for collision or controversy. It was his resolution, no doubt, to be a faithful servant of the crown; but he was not eager to push the claims of prerogative, when the exigency did not require it. While he was in the chair, the requisitions on the general court were made directly by the British commanders-in-chief, or, through him, by the ministry in England; and with these calls, being for men and means, as well for their own welfare as that of the parent government, they were ready to comply, without hesitation, to the extent of their ability; still having a regard for the rights of the people, and laying no greater burden than the occasion demanded. The people were subject to heavy burdens, and they bore them cheerfully, as well from a true spirit of loyalty, as from a regard to their own safety and liberty. For six successive years, they provided men and money in the war against the French, and received only a partial reimbursement from the parent state, though they were promised recompense at a future day.

The burdens of the people were so great, and so many the embarrassments of navigation, during this protracted period of war, that the debtors were very numerous, both among the land holders and the merchants. The merchants were in the habit of having large credits for goods in England; and the state of the country prevented their remittances, as they had formerly done. An insolvent act was passed by the general court, in 1757, for the relief of debtors; but it was necessary, by the provisions of the charter, that the king should approve of it, to render it complete and valid. When it was laid before the king, he referred it to the lords of trade, for their opinion, and they said, that, though they approved of the principle of the bill, and admitted the propriety of a bankrupt, or insolvent law, they apprehended some injustice from such a law in the province; because, while it operated favorably to the creditors there, those in England might suffer. The king, therefore, declined giving it his approbation.

Mr. Pownall was succeeded by Mr. Bernard, in the winter of 1659-60, and appointed Governor of South Carolina. After Governor Pownall's departure, and before the arrival of Governor Bernard, who was removed from the administration of New Jersey, Mr. Hutchinson, being lieutenant governor, discharged the duties of chief magistrate of Massachusetts. As the governor was soon expected, he prudently declined acting further than attending to the ordinary service of the station. It had already been determined to make another attempt against Montreal, and other parts of Canada, in the hands of the French. Mr. Pett called for the same forces as were raised the two seasons previously, and urged the importance of the object; at the same time promising compensation, according to the efforts which might be made. In January, 1760, the general court ordered, that five thousand men should be raised; and they also voted to allow a bounty to the men who had been detained in Nova Scotia,\* and at Louisbourg, after their term of service had expired. It was difficult, however, to raise the number ordered. Only three thousand three hundred of the five thousand could be enlisted; which, even

\* The Governor of Nova Scotia made honorable mention of the exertions of Colonel Thomas and his officers, (from Massachusetts,) in quieting the men who were held beyond the time of their enlistment. It was an arbitrary act in the British commander, and yet he attempted to justify his conduct, by saying that the men could not be spared, and must not go till he chose to discharge them. The families of the men suffered much in their absence; but the general court, protesting against their detention, voted to give a bounty, which was generally applied for the relief of their wives and children.

reckoning the seven hundred, in garrison at Louisbourg and Nova Scotia, amounted only to four thousand, in the whole, which were in service from the province in that year;\* excepting, indeed, several small parties to keep up the forts at Penobscot, St. Georges, and two on Kennebec River; two at Hoosuck, one at Colrairie, and one at Claremont. Both Governor Pownall, before he left the chair, and Mr. Hutchinson, then lieutenant governor, after his departure, urged upon the general court the importance of complying with the requisitions of the British minister and General Amherst, as a great effort was to be made for the entire conquest of Canada, and it would probably be the last year of the war. In promising to make every exertion which the condition of the province and the people would permit, they expressed a wish, that the British ministry might be informed of the expensive efforts already made, and order some pecuniary relief. Governor Pownall promised to press their plea, and to bear testimony to their loyalty. His policy in his intercourse with the general court, was dictated by a full knowledge of the views and temper of the people; and he wisely adopted a mild spirit in all his communications. The temper of his successor was less mild, or less wisely controlled, and his conduct contrasted very unfavorably with the deportment of Governor Pownall. But the former was the representative of the king, at a period when the vexed questions of the prerogative of the crown, and of the powers rightfully to be exercised by the provincial government under the charter, were continually occurring: and Mr. Bernard was never wanting in zeal for the king, or in a disposition to maintain all the supposed powers of his office: while the latter presided at a time when other important subjects occupied the constant attention of the government. And he found that he could discharge his duty to the crown, without engaging in bitter controversy with the general court. He was also economical in the expenditure of public money intrusted to him for the common defence and ordinary affairs of the executive; and he proposed plans for preventing speculators preying upon the soldiers, for whose sufferings he ever manifested a strong sympathy.†

\* On a call from General Amherst, in May, it was voted to raise five hundred more.

† Mr. Pownall was a gentleman of gaiety and show, and he spared nothing in the expenses of his table. Yet he was a rigid economist, when acting as the agent of the public. He had a more correct view of the nature of the colonial charters than any other governor, except Mr. Hutchinson; and though a foreigner by birth, he construed more favorably, or was more friendly to the grants of power to the people by their charters, than the latter.

The object of the campaign, this year, was the reduction of Montreal, which was the most important place in the hands of the French; for if that could be taken, all Canada would come under the British government. A large force was to advance on that place, by Lake Ontario and thence by the St. Lawrence; and another detachment, by Lake Champlain. General Amherst commanded the first, consisting chiefly of British regular troops; while the other, in which were most of the provincials, was under Colonel Haviland. A part of the plan was for General Murray and as many of the troops at Quebec as could be spared, to ascend the St. Lawrence, and join the other detachments near Montreal. But a large French force, either intending to recapture Quebec, or prevent a junction of the English forces near Montreal, advanced on the former, and, by his resolute and judicious efforts, the French commander gave full employment to the British general for several weeks, in defending the city. He was repulsed, however, and General Murray, with a large part of the British troops, marched to Montreal. The several detachments reached the vicinity of Montreal, within two days of one another; and this united force was so formidable, that the French general, who commanded there, soon surrendered.

## CHAPTER X.

Dispute between the House and Council—Expenses of war and loss of lives—Schools and Colleges—New Troops raised—Dispute with Governor—Claims of House and of the Governor—Customs—Collector sued—Mr. Otis—Mr. Hutchinson—Writs of Assistance—Excitement on the occasion—Gold Coin—Wilkes—Whig and Tory—State of the Province at the peace of 1763—Views of Ministers—Census—Plan to tax the Province—Controversy on Episcopacy.

THE pertinacity of the house of assembly in contending for authority, as the more immediate representatives of the people, even against the council chosen by themselves, may be seen in their insisting on the formal consent of that board, to the report on the Treasurer's accounts, which they had approved, without allowing the council to examine into the correctness of the report. The house had been in the practice of asking and receiving the official sanction of the board to these reports, merely on the examination and approval of the former. The council considered this improper, and required an inspection of the documents, and the means of knowing whether the report was correct. The house pleaded usage, as well as a right, to keep the treasury accounts under their own control. The reply of the council was, that if the house were the sole judge in the case, and had justly the entire management of the treasury, then it could not be necessary for the board to testify its formal approbation; and that if their concurrence was proper, they must first have an opportunity of making a decision according to the facts and the examination of the accounts. The house at last yielded, in effect, but they so framed their vote on the subject as to avoid the appearance of giving up the point to the council. In this instance, the council seem to have been correct; otherwise, they might be considered as giving their official consent to a decision of the other branch of the legislature, without inquiry and without full information. Whether there were some aspiring men in the assembly, or whether there was a general apprehension that the council were likely to be unduly influenced by the governor, with whom they were more closely connected in the administration, the representatives were always

more jealous of encroachments on the rights of the people, and more ready to assert the authority of the legislature. It is a fact, fully proved by various occurrences, that the council generally consented, or acquiesced in the proposals of the governor, while the representatives either wholly opposed or but partially conformed to his requests. The charge could not, indeed, be sustained, that the members of the council disregarded the rights of the people, or consented to demands prejudicial to the just authority of the legislature; and yet they were seldom found in collision with the governors, or in decided opposition to his recommendations.

This long period of war not only brought a heavy debt on the province, but served to retard its population, and to check its prosperity.\* The loss of five or six thousand men, within five years, must have prevented the settlement of new townships, and lessened the amount of agricultural products, which are necessary to augment the resources of a new country. Those who survived the war, returned to their homes with habits unfavorable to constant and laborious employment. The manners and dress of British officers, who were not always patterns of sobriety and economy, were often imitated; and a great change was observable, in comparison with the frugality of former days. But the interests of learning and religion were not neglected by the legislators nor the people. The college, under the patronage of the government, was in a prosperous state; its graduates were thirty or thirty-five, annually. In most of the towns with two hundred families, and few had less, a grammar school was maintained; and the teacher was usually a graduate of the college. The laws of the province enjoined this important measure, and also required the settlement and support of learned ministers of religion. The benefits resulting to individuals and to the community, from these regulations, were incalculable. They served to maintain a healthy state of society, and gave to the population of New England a peculiar and distinctive character. By this wise regimen, men were trained up for the

\* The expenses of Massachusetts, for five years, exceeded £400,000, beyond the sums allowed by the British government. For the year 1761, the sum allowed as a reimbursement was, indeed, more than half, or nearly three fourths of the expense of the province for that year, for the military services; but for five years preceding, the allowance was not more than one half. A great portion of the men raised, were stationed on the frontiers, for defence; and large sums were also expended in bounties, provisions and teams, for which no reimbursements were made. It was also the judgment of the parent government, that the colonies should bear a part of the expenses incurred for the common safety. For the year 1758, the whole expenses, for men in the army, in the forts, and other purposes, were £210,000; but a part was reimbursed by England.

mighty struggle, which was soon then to ensue. Even then the schoolmaster was abroad in the community. The great body of the people had intelligence to understand their rights, as well as hardihood of character to defend them; and many became fitted to explain and vindicate civil liberty, against the plausible arguments of the corrupt and selfish advocates of arbitrary power.

After the conquest of Canada, and the power of France was at an end in that quarter, a large military force was maintained in North America (1761) by the British government, as no treaty of peace had been concluded. The British regular troops, however, were mostly ordered on an expedition to the French islands, and Massachusetts raised three thousand men to take their places. Some objection was made to this requisition, but after a few days debate and opposition, the measure was adopted. A similar requisition was made in 1762, with which there seems to have been a compliance without much opposition. A large bounty was also voted, this year, for nine hundred men to join the regular British forces; who were enlisted with far less difficulty than in former years; either because the bounty offered was higher than usual, or they expected little hard service, or that the people had become more fond of a military life.

The jealousy or the vigilance of the representatives, to prevent all encroachments on the rights of the people and to maintain the principles for which they contended, was displayed, at this time, though in a case far less important than that which soon after justly excited so deep an interest, by a formal complaint of the conduct of the governor and council. In the recess of the court, the people of Salem and Marblehead, who were engaged in the fishery at the eastward, requested that two armed vessels might be sent for their protection, against the French ships in that quarter. The vessels were fitted out for the purpose, on the advice of the council; and the expense did not exceed £400. At the following session of the general court, the governor stated the case, and recommended that provision be made to cover that expense. The exigency of the occasion was a reasonable justification of the conduct of the executive. But the representatives protested against it; pretending that their right of originating taxes, one of their greatest privileges, was taken away, and that it struck at the very existence of the popular branch of the legislature. They protested against such a measure, as altogether arbitrary, and expressed a hope that no similar one would be again adopted. Some clauses in the message to the governor, was unnecessarily



severe; and as he thought they were a reflection on the king, he wished them to be erased. After some debate, the house complied with the request, and a grant was made to meet the expenses which had been ordered by the executive. James Otis was then a member of the house, and the chief supporter of the remonstrance.

Governor Bernard, in his first speech to the general court,—and such was the doctrine afterwards advanced and asserted by him through his whole administration, and by his successor,—spoke of the powers and privileges of the province, as grants and *favours* from the crown; while the house of representatives always spoke of their *rights*, contended for the full extent of their authority recognised by the charter, and pleaded even for greater powers, an absolute right to levy taxes, and to legislate for themselves, since they were not represented in the British parliament. Governor Bernard was a zealous advocate for the royal prerogative; believing himself bound by the instructions of the king and his ministers, as well as by the provisions of the charter; and he urged the claims of arbitrary power as far as prudence would permit. In this course, he was supported by the lieutenant governor, and some others, while the house and most of the council appealed to the great principles of the revolution of 1688, as their guide, and opposed constitutional rights to the mere will of the ministry, and other royal agents.

Governor Bernard, and his political friends, were also in favor of the policy for raising a revenue in the province from imposts, in the hope, as was supposed, of receiving, from the system, lucrative offices and large salaries. But to the people and their immediate representatives, this system was extremely obnoxious, as it was a great tax on trade and navigation, and gave occasion for petty tyranny and oppression in various ways. Spies and informers were often employed, and the officers of the customs retained large sums as fees, so that very little of the amount paid found its way into the public chest.

The collector of the customs had been negligent of paying over or accounting for the sums received by him, for some time, and the general court directed the treasurer of the province to institute a suit against him. The governor, probably by request of the collector, proposed that the king's attorney should be employed to prosecute the suit; but the house of assembly insisted that the treasurer was the proper person to undertake it, in behalf of the province, to whom the money received by the collector was to be paid. The sums particularly referred to, arose from forfeitures, one third of which, by act of parliament, accrued to the province. The object of the house was,

to have the suit brought in the courts of the province; but the collector was desirous of having it decided in the court of admiralty, in which case he might expect more favor. The governor might have been induced to consent to the course urged by the house, as the chief justice of the superior court was known to have no prejudices against the officers of the customs, nor any objections to be governed by acts of parliament. By advice of the council, the governor yielded to their wishes; but rarely, on any future occasion, did he give up his own opinions or plans to gratify the assembly.

The case was decided against the collector, in the lower court, though he offered a plea in abatement, as to the jurisdiction of the court. On an appeal before the superior court, the lieutenant governor being chief justice, the plea was admitted, and the judgment of the lower court was set aside. It appeared that the collector's accounts had been settled, according to the forms of law, at least, in the admiralty court, which, according to act of parliament, had the jurisdiction of the case; and the judges decided that they had no control over that court.

This decision served to increase party feeling, and to mark more distinctly the difference of political opinion between the supporters of the crown and its agents, and the friends of colonial authorities and rights. Mr Otis was counsel for the treasurer, with whom the merchants of Boston united in this case, as they had petitioned the court to institute such a suit; and Mr. Hutchinson, was not only one of the superior court, which decided against the treasurer, but, as a member of the council, had opposed the measure when pending in the general court. The latter lost, while the former received, the approbation of the people, by these proceedings. The chief justice, in his charge to the jury, cautioned them "against deciding according to the popular feelings." And in this indeed, he might have acted most uprightly; but there were those who more than intimated, that he was seeking for favor from the British ministry, who had all the best offices in their gift. Nor was he or the governor backward in charging improper motives on the opposition. It was their interest to do so: and their representations to the ministry in England were, that the complaints and discontents in Massachusetts spring from the disappointment of Mr. Otis and a few others. About this period, Mr. Hutchinson made this memorable declaration: "that the opposition to the authority of parliament began in Boston; and was moved and conducted by *James Otis*, both in that town and in the general assembly!"

The excitement produced by this dispute and the decision in relation to it was soon followed by a stronger expression of the popular feeling, growing out of the attempts of the custom-house officers to exercise authority most arbitrary and oppressive. They applied for *writs of assistance*, to enable them to search for goods, at any time and in any store or dwelling-house, they might choose. They suspected, they said, that goods, on which the duties had not been paid, were sometimes secreted in dwelling-houses and other private places, and they wanted legal authority to enter any buildings, *ad libitum*: the attorney for the crown pleaded the practice of the English court of exchequer to prove the legality of such writs; and stated also that the superior court in the province had the same authority, as to the law for collecting the customs on trade. The objections made by Mr. Otis, the attorney for the merchants of Boston, who opposed the granting of such powers, as their dwelling-houses would be liable to search at all times and by any petty officer or agent of the collector, were that all *general* warrants were considered improper and oppressive by the courts in England, and that a process to break or to enter a house or store, must designate a particular building, and be issued only on the oath of the complainant; that they were justly odious to the people even in England, as they led to great oppression on the subjects, and legalized acts of tyranny and injustice in the officers; and that although the court of exchequer in that country had great authority in this respect, it would also punish the abuse of authority in the officers, (who were in fact the officers of the court); and it was therefore, at their peril they made searches without good cause: But that here the court had no authority to punish the collector or his agents, for the most wanton and oppressive acts in the business of their office, as they were amenable only to the court of admiralty: That if the writs prayed for were granted, the collector, and any person he might choose to employ for the purpose, (for such was the extent of his authority under such process,) might enter any building, without particularizing it, and at any time, merely on suspicion; and thus there would be no restraint on the passions, party feelings or personal enmities of the collector and his political friends, from acts the most odious and most oppressive. Another objection was that such writs were not made returnable, and the court here therefore would have no control over them or the malpractice of those who executed them, after they were issued; and thus a door would be open, he said, to all kinds of oppression and tyranny, without limits and without remedy. He in-

sisted that such a measure was pregnant with infinite mischief, and clearly contrary to the spirit of the British constitution. "I have fully considered the subject," he added, "and I solemnly declare that I will to my dying day oppose, with all the powers God has given me, all such instruments of slavery on the one hand, and villany on the other, as this *writ of assistance* is." \*

The superior court, to which application was made for such writs, gave their opinion for issuing them; † and Mr. Otis, for his patriotism and zeal, on the occasion, was charged by the governor, the chief justice, and their political friends, as being actuated by a spirit of selfishness, and revenge; but with the opposers of arbitrary power, and the great body of the people, he found favor and admiration.

Such was the influence and importance of this transaction, that it has been sometimes considered the first decided measure, which led to and hastened on the revolution, which took place thirteen years after. It certainly served to show the arbitrary views or the subserviency of some of the individuals high in power in the province, who held their offices under the crown, and the disposition of those who executed the laws of trade and the customs, to the most odious and oppressive acts; while it afforded an occasion for the display of the principles and feelings in support of civil liberty, by which the people were then animated. The same feelings and principles had, indeed, long warmed and guided the people of Massachusetts; and it was only necessary to call them forth, that arbitrary measures should be adopted or attempted to be enforced, which were inconsistent with their rights, and with the measure of self-government, which they had long enjoyed.

There was so much dissatisfaction manifested, and such expressions of complaint and reprobation uttered by the people, touching the opinions of the court and the authority of custom-house officers thus sanctioned, that, at the next meeting

\* "I do not recollect that the town of Boston ever chose a lawyer to represent it, under the second charter, till the year 1738, when Mr. Reed was chosen, but left out the next year, and Mr. Pratt in 1758 and 1759. These were men of the first character in their profession. Lawyers have since taken the lead and been much employed in public measures." Hutch. Vol. III.—But Oxenbridge Thacher was a member from Boston, as well as James Otis, as early as 1764.

† Some of the justices had objections to granting writs of assistance, and judgment was postponed. The chief justice was desired to write to England for information, as to the practice there, in similar cases. He learnt that the court of exchequer did issue writs of a general nature, touching the customs; and this was afterwards deemed a sufficient authority for granting them in the province.

of the general court, the governor saw fit to admonish them "to disregard all attempts to disturb the public mind," (as he chose to represent the indignant declarations of the friends of liberty;) "as there was no just cause for a jealousy of tyranny under the reigning monarch, as there had been in the time of the Stuart dynasty." The representatives and council united in an answer to the speech, and said, that they knew no reason for his apprehension or admonition, at that time; that they were not sensible of any party feelings or unjust jealousies, and that, if the people should manifest them, they would endeavor to suppress them; that they had no suspicion their civil rights were in danger under his administration; but still that it was their duty to see for themselves, in guarding the interests and liberties of their constituents.

On a bill for making gold a tender, at its current value in the province, which was brought into the house of representatives and passed, a dispute was engendered, which was followed by a warm discussion, and produced or confirmed party feelings of long continuance and of important results. Gold as well as silver had been the current coin for several years, from the introduction of specie for paper in 1753-4; but silver only had been a lawful tender in the payment of debts. Silver, in England, had increased in value, or in price, at nearly the rate of four pence on the dollar; on this account, more silver had been sent out of the province than gold, and the former had become comparatively scarce. For the benefit of the people, it was proposed to make gold a legal tender; for while it was not so, the debtor would be obliged to obtain silver, at a considerable loss, to satisfy his creditor. By the influence chiefly of Mr. Hutchinson, the lieutenant governor, the council refused to concur with the house, and the bill failed. Their objection was, that it was sufficient to have one made a tender; that the other might be left to take its chance; and that it might be as profitable to export gold as silver! Such was the language of the great opposer of the bill; but the people were not satisfied, and the most considered the objection altogether frivolous.— If Mr Otis, on this occasion, secured the attachment of the people, the lieutenant governor forfeited it in an equal degree. The bill was calculated for the relief of those who had large debts to discharge, and only lessened somewhat of the profits of the capitalist. The effect produced on political parties, then forming, or becoming more distinctly marked, served to show that the minds of the people were prepared to contend, not only for their civil privileges, but for their own interests, if in any

respects different from the officers and dependants of the king. The friends of the people seized on this conduct of Mr Hutchinson, to represent him as one indifferent to the welfare of the poor, so he did not himself suffer.

The controversy, which arose in England, between Wilkes and the administration, (1763). excited a lively interest in Massachusetts, and tended to keep alive the feelings already awakened in favor of liberty. It was believed, by the whigs of that period, that Mr Wilkes, who was a member of parliament, was persecuted on account of his political principles, which were highly in favor of liberty. He was arrested by a warrant from the speaker of the house of commons, for an alleged libel on the house, and confined in the tower. But, on application to a judicial tribunal, was ordered to be discharged. His imprisonment was deemed altogether arbitrary and unjust, by the whigs both in England and America; and the occasion was seized to declaim against the tyranny of the administration, and the jealousy of the people was thereby aroused towards the friends of the British ministry in both countries. One of the principal advocates in Massachusetts, for the measures of administration, observed, "that men took sides in New England on mere *abstract* points in government, when there was nothing in *practice* which could give grounds for forming parties:" as if principles were unimportant, and it was sufficient to object to real acts of oppression, or the execution of a despotic system. The motto of the patriots of Massachusetts was, "*obsta principiis*." The spirit of those who supported the measures of administration may be detected in the justification offered by the individual already quoted, when the officers of the crown, especially those of the customs, were charged with promoting measures restrictive of the rights and liberties of the people, "*that they had the law on their side.*" \*

At this period, the terms, tory and whig were introduced in the colonies, as descriptive of the two great political parties, then forming, and soon after more distinctively known and designated. The appellation became very general, as the dispute became more warm and frequent, between those who supported the measures of administration, however arbitrary, and those who opposed them and professed to be friends of liberty, however vehement in their opposition, or extravagant in their opinions. The latter epithet was a passport to popular favor,

\* Mr. Hutchinson, who was the lieutenant governor, chief justice of the superior court, judge of probate, &c. &c. &c.

without regard to other qualities ; and the former rendered one unpopular, though amiable and virtuous in private life. The distinction, certainly, was real and great between these respective classes of politicians ; the one held to principles dangerous to republican freedom, and the other to such as were favorable to the liberties of the people ; and yet party prejudices, as has always been the case, served to represent one class, as possessing none but selfish and malignant feelings, and the other as governed, in all cases, by generous and disinterested motives.

Mr. Hutchinson was of exemplary manners in domestic life, and deemed moral and correct in his intercourse with his fellow men. But he was considered ambitious and very covetous of honor and office. And with this ruling passion, he was induced to advocate the claims of the crown and the conduct of the British ministry, however oppressive to the people, or conflicting with the rights granted by the charter. The political principles of Mr Hutchinson, which led him to contend rather for the authority of the government, than for the rights and liberties of the people, and the decisions he had given, as chief justice, which were in favor of the officers of the crown, who were deemed very arbitrary and oppressive in their conduct, served to deprive him of the popular favor, and an influence was exerted in the general court to lessen both his salary and his power. It was proposed to exclude the lieutenant governor from the council-board, and to prohibit any justice of the superior court from being a member of either branch of the legislature. It was also contended, that he was to act only in case of a vacancy in the chair, and that being an officer appointed by the king, he ought not to be of the board of counsellors, who were elected by the representatives. But precedent was in favor of the lieutenant governor having a seat at the board. For the year 1762, no extra allowance was made the chief justice, as had been done for many previous years.

On the return of peace, the British ministry became particularly attentive to the state of the American provinces, and manifested a desire to learn their resources and population. Whether it was intended to alter their charters and maintain a different form of government, or whether it was apprehended that the people were aiming at independence, and that it would be necessary to have a military force to prevent it, did not appear. It was more probable that a plan was proposed to raise a revenue in the colonies, which were represented to be fully able to yield it, towards the support of the parent government, and the payment of its immense debt ; and that from the

known opposition to such a measure, it would be necessary to have a military power to enforce it. This was justly deemed a difficult measure; for it was well known in England, that the colonies contended for the sole right of laying taxes and raising a revenue; and that they had long insisted, that they needed all which the people could well pay, for their own debts, and the ordinary expenses of their several governments.

As a part of this system, probably, (it was so considered in Massachusetts, however,) an order was sent to Governor Bernard, to have an exact census taken in the province. A law of the general court was necessary to carry such an order into effect, requiring the several towns to make returns of the number of their inhabitants. Great opposition was made to the passage of such a law. Some feared ulterior views had dictated the plan, unfavorable to the authority and interests of the province; and some were weak enough to object to it, as indicating a distrust in providence. The subject was postponed for several sessions of the general court, but at last a vote was obtained in favor of the measure by a small majority.

The policy of the British ministry for taxing the people in the colonies, for the support of the parent government, began to be manifested at this time, (1763) with less disguise than formerly. Still, it was a question, how it could be effected with the least offence to the American people. It was soon perceived, that it could be accomplished only by way of duties on trade; for, to direct and internal taxes the people would never submit. Even the first mode would be attended with difficulty in the collection. There would be frequent infractions or evasions of the law; and nothing but a military force would ensure success to the system.\* The ministry in England were ready enough to adopt the plan; but there was reason to believe that individuals in Massachusetts and the other provinces favored it, in the hope of obtaining office in the custom-houses, or large salaries from the revenue in other public stations.

During the year 1763, so full of interest relating to subjects of a merely political nature, a controversy arose of a religious character, which called into exercise the talents of a distinguished clergyman of Massachusetts, and which serves to illustrate the views and feelings of the people of that period. The society in England for propagating the gospel in foreign parts, which was composed of episcopalians, had nearly thirty mis-

\* It was, in fact, proposed to keep up an army of 10,000 men in the colonies, at this period.



sionaries located in different parts of New England ; and most, if not all of them, were in towns where the gospel was faithfully preached by the congregational or other dissenting ministers of good education. This was a gross misapplication of their funds, unless they took the exclusive ground, that the people in New England, who had not episcopal teachers, were without preachers of the gospel. Many feared, that it was intended to introduce episcopacy into the colonies, as had been more than once proposed before, and that it might be made the established religion, as in England. Several of these missionaries were placed in the vicinity of Boston, and one at Cambridge, where the people enjoyed the preaching of the gospel in all its fulness and truth. Such an injudicious and narrow spirit called for reprehension. Rev. Dr. Mayhew undertook to show the perversion of the designs, and the misapplication of the funds of the society, if its real object was to spread the knowledge of the gospel. His writings on the subject, were equally powerful and severe ; and having the popular sentiment in their favor, extended and increased his literary fame. The ability displayed by Dr. Mayhew could not be resisted, and the society soon changed the direction of their efforts ; but the fears of the people in New England were not removed, as to the designs of the English hierarchy. Such also was the connexion between the established church in England and the monarchy, that this movement, on the part of episcopacy, led to the apprehension that the parent government meditated designs incompatible with civil liberty.

During the years 1762 and 1763, there were no measures proposed, except those relating to the currency and the custom-house, already noticed, which brought into discussion the question of the supremacy of parliament and of the authority of the provincial legislature. Several subjects, indeed, were brought forward, bearing, in some degree, upon this important question ; and the house never failed to assert their right to be consulted in raising or appropriating money, in all measures at all affecting the legislative authority which they had long claimed. The governor called for several hundred men to man the forts in the eastern parts of the province, and in Nova Scotia, and also to march to the lakes and westward ; but, in some cases, they declined raising any of the men he required ; and in others, ordered only a small portion which were called for. And when he advised that the forts on the frontiers should be repaired, they replied that the state of the public treasury was such, they had not the means to do it. When the governor

referred to express instructions from the ministry for the requisitions he made, they replied, that they must judge of the necessity of the case, and the ability of the people. They gave repeated directions to their agent in England, to attend to the rights of the province, in the bills before parliament, which related to the colonies, especially as to regulations of trade, and the duties imposed, for raising a revenue in the colonies for the benefit of the parent government, when the province was greatly in debt, and needed all its resources to support its credit, and to discharge the current expenses; and above all, as to the plan then suggested of keeping up an army in the colonies, when the war in America had ceased. In some cases, the house instructed the agent, without consulting the council, or asking them to join, as they were jealous of the leading members of that board, and feared they would not speak to the agent with sufficient decision and explicitness.

There was some just cause, at this period, to fear, that the British ministry cherished designs of governing the colonies, and of raising a revenue, without asking the consent of the assemblies; and of exercising all the great attributes of authority, which would be placing the province altogether in a dependent and very degraded state. Indications of this kind appeared in several plans suggested by the ministry, and the agent of the province expressed his fears, that this was in contemplation. The intelligent men in Massachusetts were alarmed at these appearances, especially when the doctrine of the king's prerogative and of the supremacy of parliament found many advocates in the province. In a wish to guard their rights, they sometimes gave way to unreasonable jealousies; and sometimes asserted and claimed more power than the charter granted them. They perceived, however, as they believed, that the subjects in England had greater privileges, in some material points, than they had; particularly, as the people there were represented in the house of commons, where all taxes and duties were ordered, and all grants of money were made. The only security for the rights of the colonists, they said, was in the house of assembly having similar authority in the province; and every deviation from this principle, in any form, was opposed, as inconsistent with the rights of Englishmen, and as an exercise of arbitrary power.

In 1763, a committee was chosen to prepare a statement of the population, trade, and resources of the province. The statement which was made soon after, gave 245,000 inhabitants, 5000 of which were people of color. The manufactories were

few. The cod fishery gave employment to 300 vessels; 100 in the mackerel fishery; and about 180 in the whale business, most of which then visited the northern latitudes. In these several pursuits, 6000 men found employment. A large number were also engaged in foreign voyages, for transporting fish and lumber, and bringing, in return, the products of the Western Islands, and wine and spirit from Spain and Portugal, and the manufactures of England.

## CHAPTER XI.

British propose to raise a revenue in the Colonies—Sugar act—Opposed—Resolves as to right of Taxing—Otis' Pamphlet—Its doctrines—Views of British Ministry—Petition to Parliament—Difference on its tenor—Letter to Agent—Answer to Governor's speech—Opinions of Trade—Representatives in Parliament from Colonies proposed—Stamp Act—Convention at New York—Riots and Mobs at Stamp Office, and elsewhere—Opinions on public rights and duties of Governor and Representatives—Stamps sent into Province—Distributor of them resigns—House declines to interfere.

IN the winter of 1764, the British ministry brought forward in parliament a plan for raising a revenue in the American colonies. A high duty was laid on molasses, a principal article of trade with the West Indies, and which was manufactured in large quantities into sugar and rum, in Massachusetts. A bill laying duties on writs, deeds, and other public papers, was introduced, but postponed. The act for a duty on molasses was passed, and the duty fixed at threepence on a gallon. There had long been a similar act of parliament; but the duty was so high (being sixpence) that it would have operated as a prohibition, had it been rigidly exacted. But this disproportionate and extravagant duty served only the purpose of evasion and smuggling. The article was imported, but the law was not enforced; so that when a duty of threepence was imposed by the act of 1764, and a provision made for a rigid enforcement, the people complained of the measure as very oppressive. It was also matter of complaint, that the province had no notice of the bill till it had passed into a law, and therefore no opportunity to state their objections to it. The bill for stamp duties was postponed merely on condition, that the colonies might have the *privilege of taxing themselves* for the benefit of the parent state; the alternative being to lay such tax in their own way, or submit to such tax as parliament might direct.

These measures of the British administration produced a great sensation in Massachusetts; and awakened the zeal of the patriots to prevent the operation of the proposed system. Fresh instructions were given to the agent in England, to

remonstrate against the law which had been passed, and to prevail on ministers to withdraw the one which had been offered and postponed. They prayed the governor to intercede for them with the king; they addressed protests and petitions to the ministry; made statements of their past services and expenses in defence of the British territories, and of the great debt of the province;\* and passed resolutions, expressive of their views of the political powers of the province, and of the exclusive right of the general assembly to lay taxes of every kind on the people, as well as to direct to what purposes they should be applied.

In these patriotic measures to resist the encroachments of arbitrary power, the citizens of Boston seem to have been the first. They instructed their representatives† in May, 1764, "to use their utmost influence to maintain the rights and privileges of the province, as well those which we derive from the charter as those which, being prior to and independent of it, we hold as free born subjects of Great Britain; to preserve the independence of the house of representatives, which is necessary for a free people; to use their influence for a law to render the judges and all officers of the crown ineligible to seats in the house or council; to prevent, if possible, new and heavy duties on trade; for if one trade may be taxed (say they) why not our land, without consent of the representatives; as all taxes ought to be laid by them; especially to insist on this, as otherwise we shall be no better than slaves." At the same time, however, they expressly acknowledged a subordination to the government of Great Britain.

These doctrines and principles were approved by the house of assembly in June, 1764; and its approbation was also given, at the same time, to a pamphlet, then just published, written by James Otis; in which those doctrines were asserted and advocated with equal zeal and ability. These opinions and principles, the house adopted as their own, by ordering copies to be sent to their agent in England, and instructing him to consider them as his guide. This was the act of the house of representatives, without consulting the council, which had generally joined with them in similar measures. In the letter to the agent they said, "we consider this act, not merely to regulate trade, but to raise a revenue, and learn that other mea-

\* The public tax for 1764, chiefly for paying off the debt incurred from 1755 to 1762, (which was nearly £1,000,000,) was £138,000.

† The Boston representatives, for 1764, were *James Otis, Oxenbridge Thacher, Thomas Cushing, and Thomas Gray.* *Richard Dana* and *Samuel Adams* were two of the committee which prepared the instructions.

tures for the same purpose are proposed; and we cannot but express our concern on the occasion. We are empowered by our charter to raise money for the support of our government. If duties and taxes are laid on us by parliament, in one instance, what assurance have we, that they will not be so multiplied as to render this privilege of no importance? We have the right, by charter, to tax ourselves; but so far as parliament shall lay taxes, so far they will deprive us of this right." They did not, indeed, instruct him expressly to deny the right of parliament to tax them; for, at that time, they were not prepared for such a declaration, from want of resolution, or of a settled opinion on the subject. But such was the tendency and tenor of their remarks; for they asserted, that it was a fundamental principle of the British constitution, "that the subject could not be taxed without the consent of his representative; and the province was not represented in parliament, which had, or was about to, lay taxes on its inhabitants;" and they added, "that they should be reduced to slavery, if the British government, in which they had no voice, might tax them at its pleasure." They also stated the oppressions and evils growing out of the restrictions on trade; but admitted that these might possibly be borne, as it was a regulation of their pursuits abroad, and only served to impede their prosperity or wealth; and though, indeed, they complained of this, it was a small evil compared to that of being denied the privilege and right of raising such taxes and in such way, as they might prefer. This they considered the only barrier for British liberty, and against endless oppressions.

These opinions were more fully stated and urged in the pamphlet written by Mr. Otis, and were in some measure an abstract of his views on the subject. He rather admitted than denied the supreme authority of parliament over the whole empire, of which the colonies were a part—and yet asserted, that parliament was bound by a regard to great constitutional principles, recognised in the revolution in England, of 1688—but that it could not be allowed to be arbitrary, and should be guided by fixed and settled doctrines—that it could not take the property of the people without the consent of their representatives, or allowing an equivalent, and could not transfer its powers to others—whence it followed, that the parliament of England could not legislate for the people in the colonies, which were not represented in that body; and especially ought not to lay taxes on them; that its acts for raising a revenue from the colonies, whether by direct taxation, or in the way of imposts, were oppressive and unjust—oppressive, as the province needed all its resources for the discharge of its separate debt, and the

support of its government; and unjust for the reason before given, that it was a tax, in laying which their representatives had no voice. Much was urged in the pamphlet, by way of illustration of the injustice of the proposed system of taxation; and the opinions of Locke were quoted to fortify the arguments of the writer. The supremacy of parliament seems to be admitted; but a distinction was set up, in favor of the power of the subordinate legislature in the province, to tax the people in all cases, and for the purposes of internal police; consenting, however, that great national concerns should be under the exclusive direction of the parent state.

The plan of the British ministry, at this time, which was distinctly avowed to be, to raise a revenue from the colonies, for the payment of the national debt of England, was indeed opposed from principle, as it was deemed contrary to the rights of Englishmen, and to the great principles of the British constitution, as recognised in 1788; but the opposition probably was the more decided and explicit, as the money to be raised in America by the laws of parliament, where no representatives of the interests and feelings of the colonists could be heard, was to be applied solely to reduce the debt of England, or to support officers of the crown; and such laws were also to be enforced by regular British troops. To such a system, no wonder that the people of Massachusetts, long accustomed to liberty and self-government, were most resolutely opposed. They saw a foreign legislature claiming the right to tax them, and an armed force to execute the odious law which seized on their property, without their consent—and this tax was to be applied to support the agents of tyranny; mercenary soldiers, and petty officers, appointed to collect the taxes!

There was an attempt, also, by Mr. Otis, in his pamphlet, and the committee who prepared the letter to the agent of the province in England, to convince the ministry and parliament of the inexpediency and impolicy of the proposed system. The sufferings and hardships, the dangers and expenses of the first settlers of the province, their exertions for their own defence for more than a hundred years, without aid from England, the efforts made for ten years then last past, for the honor and welfare of the British empire, and the check to the wealth and prosperity of the colonies, by the plan intended—were all stated, in the hope that the ministry would abandon their purpose, for the sake of the growth of the province, and from feelings of justice, even if they had the right to enforce it.

At this session, in June, 1764, the house of representatives chose a committee to write to the other colonies, informing them

what measures they had adopted, and what statements they had made to the agent in England ; and soliciting their concurrence in the great object, which all must have in view, by giving similar directions to their agents, to be presented to parliament or the ministry.

The governor was too politic to interfere with these proceedings, any further than to prorogue the general court to a distant day ; and he did not call them together till some of his political friends advised him to do it. But he and the lieutenant governor wrote to the ministry in England, that the opposition to their plan of raising a revenue was owing to a few disappointed individuals ; and yet at the same time presented a different view of the state of the popular feeling, by expressing a belief that the military might be necessary to carry the system into full effect ; but whether a land or naval force, they did not at that time decide. The lieutenant governor also, soon after, and before the next session of the general court, wrote to his political friends, that the plan was impolitic, and would probably serve to injure the trade of the province, even that branch of it, which led to commercial intercourse with England.

The general court was prorogued by the governor to July, and postponed, by several proclamations, to the month of October. It was the general belief, that this measure was designed to give opportunity for more deliberate councils, and more moderate feelings, than were manifested by the proceedings in June. The friends of the ministry were unwilling to admit, that the opinions and doctrines of Mr. Otis, and of some others in the house, were agreeable to the citizens of the province, generally. They deemed those doctrines little short of treason, and highly dangerous to the peace of the colonies ; and they hoped that the event would prove they were true prophets. It was not to be supposed, as they had said, that the province would set itself in array against the royal will, as made known by the ministers, or the authority of parliament, to make laws binding them even in all cases whatever. The wisdom of British rulers, they concluded, would be considered infallible, and their power irresistible. But the people were not prepared to acknowledge such doctrines, nor to admit such a conclusion. The principles of their fathers would lead them to subscribe to no such political creed. The conduct of the crown officers, especially those in the customs, and the disposition of the governor and the chief justice to support them in their proceedings, served to awaken the fears of the people, and to direct their inquiries to the tendency of measures adopted by the British ministry. The long period of the adjournment of the legisla-



ture was not lost. The people had time to form their opinions; and the representatives, to learn the views of their constituents.

Some of the leading members of the general court, who opposed the policy of the British administration, were charged with being influenced by selfish and personal considerations. But there could not have been any just foundation for the charge. For the expression of the opinion of the people gave evidence, that the patriots were not contending for speculative tenets, nor declaiming against imaginary evils. And where success was almost hopeless, it could not justly be concluded, that their professions were insincere, or their efforts the fruit of mere ambition.

When the general court met, in October, the governor avoided touching on the measures of the ministry, or of the proceedings of the house at the former session. He merely advised to moderation, and to harmony between the two branches. The representatives, however, were prepared to follow up their opposition to the policy of the British administration, and resolved to omit no efforts to preserve the liberties they had before enjoyed, and to which they contended they were entitled by their charter and by virtue of their birthright. They had found the tone of public feeling to be such, as to incite to perseverance rather than to retract aught of former declarations and claims. A large committee was chosen, to prepare a memorial to the king, before whom they wished directly to lay their grievances and fears, in the hope that his royal favor might be exercised in their behalf. In this paper, they spoke decidedly, though most respectfully, of their *rights*, and at the same time declared their loyalty to his person and crown. Another consideration, probably, led to this course, as they had always acknowledged allegiance to the crown; but were reluctant to apply to parliament, whose right to make laws for them, they were not willing so fully to admit. But they wished for the voice of the council, also, in the measure, and, therefore, sent the petition to that body for its concurrence. The council objected to the tone and language of the address, and proposed, also, that if any memorial was sent, it should be addressed to the house of commons. This caused delay, and a conference was agreed, by a committee from each branch. A difference of opinion still prevailed between the committee of the house and of the council. The original paper, as it passed the house, claimed the *right* of laying all taxes and duties on the province, and by implication, at least, denied the right of parliament to impose them. The majority of the com-

mittee of the council was opposed to taking this high ground ; and proposed to speak of it as a *privilege* or favor to be allowed to impose taxes, and not as a *right*. The committee of the house insisted upon the original term. The council would not consent ; and a compromise was finally made, by which the term *liberties* was substituted, in one place, for *rights*, and in another, *privileges* was inserted ; so that the prayer of the petition was, "that the liberties and *privileges* of the province, relative to internal taxes, might be continued."

In this petition, the general court referred to the high duty laid on sugar and molasses, large quantities of which were imported from the West India Islands, in return for fish and lumber, which was the chief trade of the province, and which enabled them to purchase the manufactures of England ; and they complained of the establishment of courts of admiralty in the colonies, and of the provisions of the act, which gave great power to the custom-house officers, encouraged spies and informers, authorized trials in a distant province, and denied redress to the defendant, even on proving his innocence. But the principal objection was, that the right or privilege always enjoyed, was taken away,—that of their representatives deciding freely, both of the way and manner of raising internal taxes, of the ability of the people to pay, and the purposes to which the money should be applied. They also stated, that their taxes were high, owing to the great debt of the province. And as parliament claimed the right to tax the province, because the province had a right to protection from the parent state, they showed, that the people of Massachusetts had always defended themselves, only having aid from England against a common enemy, the French, when the nation made war for its own purposes and objects. In truth, there was no promise of protection, on the one part, nor claim to it, on the other, authorized by the charter.\*

In their letter to the agent, at the same time, the general court said, they had touched upon their *rights* in such a manner, as that no inference could be drawn, that they had either given them up, or had set up in opposition to parliament, or denied that they were bound by acts of parliament ; and yet, they added, "in a letter to you, we may be more explicit,—a *right*

\* So far were the people in Massachusetts from *claiming* protection from England, (and they probably would have done it, if they had the right to demand it,) that when it was proposed, at an early day, to *ask* for aid as a *favor*, they declined it, because it might be construed, by the parent government, as leaning on them, and looking to them for assistance ; and would have an injurious effect on their right to self-government.

the people of the province *undoubtedly* have, by charter, to tax themselves; and so far as parliament shall lay taxes on us, so far will they deprive us of this right. If the first settlers of the colony had not supposed they were as secure in the enjoyment of this *right* as to the title to their lands, they would never have left England and settled in America."

Although the governor prudently avoided giving his opinion on the subjects, which had excited so general and deep an interest through the province, the house chose a committee, in which the council, as was usual in such cases, joined them, to answer his speech, and to express their views as to the great question, which then agitated the public mind.\*

Similar opinions were advanced in this paper as in the letter to the agent, and in the memorial to the house of commons. They said they would seize the occasion to express their sentiments, on a subject of the last importance to the province. Acknowledging their duty to submit to the act of parliament for raising a revenue in the province, until it was repealed, they objected, "that it affected their civil rights and their commercial interests,—the former, inasmuch as it deprived them of a trial by jury, in case of seizures, for alleged violations of the law; and as the judge and officers of the admiralty court were interested in the event of the suit; and the latter, by the high duties, and severe penalties provided." They attempted, also, to show the injury to their trade with England, as well as with foreign ports, by the restrictions imposed. And they requested the governor to use his influence with the British ministry to repeal the oppressive act.

At this session, a joint committee was appointed, to make a statement of the expenses incurred by the province in preceding periods, which was accordingly prepared; and at the close they observe, "that the province has had its full share of the burdens of the British empire; that, by its representatives, it has submitted to the heaviest taxes; that it was greatly exhausted by past exertions, and that it would be very difficult to clear the great load of debt remaining, if the trade were left to its natural course, and no new burdens laid on them by England: that if the act was enforced it would so impoverish the people, and drain off the specie, that a general bankruptcy, both public and private, must ensue."

The opinions advanced, and the rights claimed and asserted in these public papers, cannot excite any surprise in the minds of those who have noticed the declarations and conduct of the

\* Mr. Bowdoin was chairman of the committee who reported this answer.

people of Massachusetts, for several preceding generations, and even from the earliest period of its settlement. They were but new expressions of the sentiments of the colony, on former occasions, when their rights were invaded, or their authority to make laws for their own government was called in question. Saving always their allegiance to the king, as would be done if they had lived in England, they asserted the right, derived both from nature and their charter, to make laws and assess taxes for themselves, or by their fellows, chosen expressly for the purpose; and, therefore, remonstrated against all interfering and controlling authority in these respects. This they invariably did. They expressly refused submission to the commissioners of Charles II.; and this was but an expression of their general principles; and when called on for troops, by the agents and officers of the British government, from time to time, they debated the propriety of the call; and sometimes declined to comply, and sometimes to furnish only a part of what was required.

As one objection to the right of parliament in laying taxes on the people in the province, and legislating for them in other respects, was that the province was not represented in that body, it was a plan of some individuals, of whom Mr. Otis, at first, was one, to have members from the colonies to sit in the British house of commons. The ministry was inclined to favor the measure; but it was soon after perceived, that the representatives would be so small, that it would be of no benefit, and it was never formally discussed in parliament.

These opposing claims and opinions go to show, that a stand had been taken by Massachusetts, which if sustained would render the province almost independent of the government of England; or if given up, there would be an end to the civil power as hitherto usually exercised, and the authority of parliament be supreme and unlimited. This was the alternative, which some intelligent men apprehended, at this period, though none then probably sought for independence. The zeal and earnestness, with which the patriots, even at that early stage of the dispute with Great Britain, urged their rights and opposed the claims of England, furnish evidence, that they looked to the consequences of measures, and that they thought their liberties must be ably defended, or they would be lost forever.

If the tax on sugar and molasses, to raise a revenue was denounced as inconsistent with charter rights and the principles of British liberty, the stamp act, by which all printed or written public legal papers were liable to an excise or duty, met with still stronger opposition. It was considered as an internal

tax, for the purpose of raising money in the province for the use of Great Britain. So far, indeed, as the former act was not a mere regulation of trade, but intended to draw a revenue from the province, without the consent of the representatives, it was opposed and reprobated. As to the stamp act, there was no disguise or deception in the case; the professed object was to raise money for the public treasury of England, except it should be all squandered on the officers of the crown in the province. Writs of all kinds, probate papers, deeds, and even diplomas for college degrees, were all subject to a duty.

At the session in January, 1765, Governor Bernard made a short speech to the assembly, and observed "that the present were times of difficulty and distrust; and recommended forbearance and submission to the laws of parliament."

The representatives replied, "that though the times were difficult, they hoped not of *distrust*—that they would not distrust the wisdom and goodness of parliament, but would still rely on them, next to the wisdom and goodness of the Supreme." No measure of great political importance was adopted at this session; except that an effort was made to withhold the extra grant to Mr. Hutchinson, as chief justice; and it was allowed by a majority of only one vote. But when the court convened the last of May following, intelligence had arrived that the stamp act had passed; and the governor endeavored to moderate the feelings of the people on the subject, in his public speech. He said, "the character of the monarch was such as to realize the idea of a patriot king: and that the British parliament was the sanctuary of liberty and justice, in whose proceedings they might have perfect confidence." To this speech, the house made no reply, but immediately chose a committee to consider the state of the province, who reported the plan of a convention to be holden at New York, composed of delegates from all the colonies, "to consult for the liberty and safety of the people in this alarming crisis." A committee was chosen, consisting of James Otis, Oliver Partridge and Timothy Ruggles; \* and they were instructed to consider the difficulties to which the colonies would be reduced, by the operation of the acts of parliament for laying duties and taxes on the people. The convention met in October following,

\* Timothy Ruggles, one of the delegates from Massachusetts, was opposed to the opinions advanced at the convention; for which, on his return he was censured by the house of assembly. The resolutions went fully to deny the right of the British parliament to tax the people in America.—On that occasion, Mr. Hutchinson said, "it was not infrequently the case that the advocates for liberty denied others liberty to dissent from them."

composed of delegates from Massachusetts, Rhode Island, New Jersey, Pennsylvania, Delaware and Maryland. They prepared petitions to the king and to parliament, in which they stated and urged the arguments and views presented in "The Rights of the Colonies," and in the public papers of the general court of Massachusetts, in 1764.

Before the time of holding the convention in New York, as proposed, had arrived, the people in Massachusetts became impatient under their repeated acts of oppression and tyranny, as they deemed them to be ; and their highly excited feelings hurried them on to acts of great irregularity and disorder. A mob collected, in the month of August, suspended an effigy of the person who was appointed to distribute the stamps ; and thence proceeded to attack his office and dwelling-house. And a few nights after, they made repeated assaults on the mansion of the lieutenant governor ; which they injured, and threw most of his furniture and books into the street. \*

These disorders were perpetrated by the lower class of the community—sober and intelligent men of the patriotic party regretted and condemned them. While the governor and his political friends endeavored to place them to the prejudice of the opposition, by representing them as enemies of law and order, those opposed to the late measures of the British administration referred to them as proof of the oppressions the people suffered, and by which they were driven to such acts of violence.

On this occasion, the governor called the general court together at an early day, and referring to the late riots, said, "the executive authority was too weak to maintain order and put the laws in force, and that he must place that arduous duty in their hands. Without entering into an argument as to the propriety of the acts of which they complained, he could only remind them, that being laws of parliament, they ought to be obeyed." "The right of parliament to make laws for the colonies," he added, "however it had been controverted in the province, was undisputed at Westminster." He advised them "to oppose, not the legality but the expediency of the measures of which they complained : And he would have them reflect, that if the people refused to use stamps, there must be a suspension of all legal processes, and of all contracts in writing." He said "he was not disposed to magnify the dangers which were before them, but he thought the province was on the

\* Some valuable papers and letters, which Mr. Hutchinson had collected, were then destroyed, which was an irreparable loss.

brink of a precipice, and that a sense of their danger was necessary to their preservation." The governor also expressed his belief that the people needed to be enlightened and restrained; and yet a short time before he had represented the discontents in the province to be confined to a few ambitious individuals.

The house did not answer the governor's communication for four weeks; for he prorogued the court two days after it was made to them, and at the end of that time he again called them together. They were then prepared with an able answer, and also passed resolutions expressive of their views, as to the policy which the British was pursuing, and of the rights of the provincial assembly. In their reply to the governor, they said, "that if the province was on the brink of a precipice, a sight of the danger was necessary to its preservation, and to despair of the commonwealth would be a certain presage of its fall—that the people were awake to a sense of their danger, but their prudence would not be wanting to prevent the ruin of the province." They believed the laws sufficient for the protection and relief of individuals, and they did not see the necessity of additional acts on the part of the legislature; they could not oblige the people to use the stamps; that they must judge for themselves; and if the ordinary business was suspended, it was not the fault of the house.

The governor said that the stamp act was an act of parliament, and ought therefore to be obeyed. The house observed, that they would not question or limit the authority of parliament—yet that there certainly were bounds to it: that constitutional principles set bounds to and ought to control even the parliament itself. The charter of the province, they said, gave to the general court the power of making laws for its internal government and taxation, and the charter has not been violated. They asserted, that there were certain original, inherent rights belonging to the people, of which parliament itself could not divest them, consistently with the constitution; one of which was a representation in the same body which exercised the power of taxation: and the right of the colonies to make their own laws and lay taxes, they said, had never been questioned—to claim a right in parliament therefore to tax the people without their consent, (by their representatives) would be despotic. They complained that some of the essential rights of *magna charta*, to which they had, as Englishmen, an undoubted claim, were injured by it; that it cancelled the conditions on which our ancestors settled the country,—that it was totally subversive of the happy frame of a subordinate civil

government, recognised in the charter, which secures allegiance to the crown, connexion with the nation, and to themselves the indefeasible rights of Englishmen.

The governor said, in his message, that he had not made it his business to form any judgment of the stamp act. The house, in reply, expressed great surprise, that, as he had known the discontents and complaints which prevailed, and professed to be anxious for the liberties and welfare of the people, he had not examined the provisions of the law, which he would have seen were very injurious to the province. He also insinuated in his message, that they had countenanced the riots, or had not opposed and condemned them with due severity; on which it was observed by the house,—“we inherit from our fathers the highest relish for civil liberty; but we hope never to see the time when it shall be expedient to countenance any methods for its preservation, but such as are legal and regular. When our sacred rights are infringed, we feel the grievance; but we understand the nature of our happy constitution too well, and entertain too high an opinion of the virtue and justice of parliament, to encourage any means of redress, but what are justifiable by that constitution.”

At this session, October, 1765, the house of assembly passed several resolutions, referring to the dispute then agitated, touching the right claimed by the parliament, to lay taxes and raise a revenue in the province. These resolutions were unanimously adopted, and fully show the views and sentiments then prevailing among the people. It was declared, that there were certain essential rights common to mankind, founded in the law of God and nature, and that they were recognised by the British constitution—that the inhabitants of the province were entitled to those rights, in common with all men, and that no law of society could justly deprive them of those rights—that no man could take the property of another without his consent, and that on this principle is founded the right of representation in the same body which made laws for raising taxes—that by the royal charter, the people of the province were entitled to all the rights, liberties, and immunities of free and natural subjects of Great Britain—that those rights belong to the people of the province in common justice, as they settled the country at their own costs, and had defended themselves in time of danger; and having large taxes to pay for the support of government in the province, it would be unjust to require them to assist in the support of the government of England: that a representation of the people of the province in parliament was impracticable, and therefore the powers of legislation were



allowed to be exercised in America ; that therefore all laws made by any power whatever, other than the general assembly of the province, imposing taxes on the inhabitants, were infringements of their inherent and unalienable rights, as men and British subjects, and rendered void the most valuable declaration of their charter. They also complained of the powers exercised by courts of admiralty, where there were no juries, and cases were decided in a capricious and arbitrary manner. These resolutions, the house ordered to be recorded, "that a just sense of liberty and their firm sentiments of loyalty might be transmitted to posterity." \*

While the general court was sitting, a vessel arrived from England with large quantities of stamp paper for Massachusetts, New Hampshire, and Rhode Island. The governor was at a loss how to dispose of them, and probably anxious to avoid giving offence ; and he asked the advice of the council, who referred him to the house of representatives. The house said, in reply to a message from the governor on the subject, "that as the stamps were brought into the province without their directions, it might prove of ill consequence for them to take any concern in the matter." The governor again asked the opinion of the council as to the proper disposition of the stamps, who advised that they be deposited at the castle, to wait the orders of the British ministry. The officer, Mr. Oliver, had before declined to receive the stamps, and had resigned his office as distributor of them.

\* Hutchinson attributes the answer of the house and the resolutions, to Samuel Adams, who was one of the committee. Thomas Cushing and Samuel Dexter were also members of it. James Otis was absent. The style and sentiments fully confirm the opinion of Mr. Hutchinson.

## CHAPTER XII.

Judicial Courts suspended, on account of Stamps—Opinion of Representatives, and of the council thereon—Dispute with governor and Council on drawing money from the treasury—Extracts from Governor's speeches, and answers of the House—Stamp Act repealed, and assertion of the right of Parliament to make laws for the Colonies—Mr. Pitt—Dispute with Governor about choice of Counsellors—Reflections of the Council on the Riots—Address of House to the King—Political views of Governor Bernard—Different opinions among the people—Dispute in granting compensation for the losses by the mob—Trade—Arrival of British troops—Dispute about expenses of the troops.

It now became an important question, whether the courts should proceed without the use of the stamp paper, and whether any business could be legally transacted, where there were written contracts, without them. The citizens of Boston petitioned the governor and council to direct the courts to proceed without them. The general court being in session, appointed a committee on the subject, and the council joined several members of that board; but though a report was made and accepted in the council, the house did not approve, and it was continued to the January session following. The report was in favor of the courts proceeding in the usual business, as though no such act of parliament had been passed. In January, it was proposed by the house to add to it, "that the courts be directed to sit immediately;" but the council seem not to have been willing to *order* the court to sit, but stated that it was understood the courts would be holden as formerly. Early in the spring they were held at the regular terms. As the courts had been suspended during the fall months, the house was desirous of directing them in January to proceed in their proper duties. The council were not backward in condemning the stamp act, and they expressed an opinion, that the courts might proceed without stamps; but were unwilling further to interfere; they said "the most sensible and judicious persons in the colonies looked on the act as grievous and *unconstitutional*; and that it was believed no one would think it consistent with his reputation to distribute the stamps." When the

stamps were deposited at the castle, the governor and council ordered additional men as a guard ; and afterwards issued warrants for their wages, without having the authority of a resolve of the house for it. This was a subject of heavy complaint, as a dangerous precedent. The house remonstrated against it to the council ; and the latter excused their conduct, by saying that the exigency required it. The house insisted, that it was highly improper ; but granted that the executive might justly order the men for protection, though it should not decide their pay, nor draw money from the treasury without a resolve of both branches of the legislature. The danger to the liberties of the people from such power in the executive was pointed out by the house ; and in a second address to the council, there was a solemn protest against the principle.

The last day of the court, the governor sent a long message to the house, in which he criminated their conduct, and complained that he had not been treated with due respect. The first day of the following session, the house made a full reply ; in which they observed, "that they should have been happy to have passed it in silence, but felt bound to notice some parts of it, as he had borne hard on them. They could not suppose," they said, "that he meant to push the prerogative so far, as to impose silence on them. They expressed surprise that he should say, the disordered state of the province had affected its very councils ; and to intimate that it was on the eve of a rebellion. Impartial history," they said, "would testify, that the people of the province, after giving the strongest testimony of their loyalty to the king, also gave equal testimony of a love of liberty and a regard to those principles, which are the basis of his majesty's government, by a *glorious stand even against an act of parliament*, when they saw their essential and unalienable rights disregarded and infringed — and that they had knowledge and virtue enough to regulate their opposition by law. Your excellency says, the times have been made more difficult than they need to have been ; which is our opinion also. They who have made them so,\* have reason to regret the injury they have done to an honest and virtuous people. We hope tranquillity will be soon restored. The custom-houses are open, and the people permitted to attend to their usual employments. The courts of justice also *must* be open ; *open immediately* ; and the law, the great rule of right, be executed. The stopping of the courts of justice is a grievance which this house

\* The governor and lieutenant governor had before this written to England, approving of the stamp act, if they did not even recommend it.

*must* inquire into. Justice *must* be administered through the province. In the mean time we shall wait in hope that the loyal application to the king for a repeal of the stamp act will succeed." With reference to the declaration of the governor, in his speech, that he had not interfered with the stamp act, the house say, "they were sorry, when he knew what interest and alarm it had excited in the province, he should not have exerted his influence in their favor, and represented the feelings and complaints of the people on the subject."

At the session of the general court, in January, 1766, the governor made a very short speech, and said, "that when the time should come that his services would be acceptable to the province, he should gladly use it for their benefit." The representatives replied, "that they had never known the time, since he had been in the chair, that his services would not have been acceptable and useful; and, that in seeking the welfare of the province, they could not but still hope for his assistance."

The British minister had given directions that the stamp act, and the mutiny act, passed about the same time, should be published by authority in the province; and the governor desired the house of representatives to give orders accordingly; but the house declined. The governor, by advice of council, directed that they should be published. The house complained, that this was done contrary to their opinion, and an expense incurred for service which they wished not to be performed. They represented it as arbitrary and unconstitutional. At the same time, they complained, that the governor had an irresponsible council, who met at his house every week, and advised to improper measures, some of which were specified. These complaints were expressed in the form of resolutions, and published. They also complained again, that the judicial courts were shut, which tended to dissolve the bonds of civil society; and was an intolerable grievance, and ought forthwith to be redressed.

While remonstrances were made against the stamp act, as an unconstitutional measure, it was also represented as oppressive, and petitions were offered for its repeal. In asking this, the general court made strong professions of loyalty, and were careful to acknowledge their allegiance to the crown.

Their denial of a right in parliament to pass the stamp act or to impose taxes on the people in the province, was a great hindrance to its repeal. The ministry thought it would be yielding too much; that it would be admitting, in effect, that the parliament had no right to legislate for the colonies; which they would not for a moment allow. This was evident from

declarations in parliament, from some of the minister's letters to the governor, and from the agents of the province in England to the general court. But the opposition was so decided and so general in the colonies against the stamp act, and the agents and friends of Massachusetts were so active in remonstrating against it, that early in the winter of 1766, it was made a question, whether it would not be both just and politic to repeal it. The proposition was received with no favor at first; but various considerations united to produce an opinion for the policy of withdrawing it. It was admitted to be a novel measure, even if just and constitutional; for it was found, "that it had not been the practice of England to lay internal taxes on her dominions which were not represented"—and "that the statute book abounded with judgments of parliament, that internal taxes ought not to be laid without consent of parliament, or the representation of that part of the kingdom which paid." And some apprehended serious resistance from the colonies, should attempts be made by ministers to enforce the law.—Many able statesmen in parliament spoke earnestly for repealing the act, and against the justice of passing it at first; among whom were Mr. Pitt, Mr. Pownall, who had been governor of the province, the dukes of Newcastle, of Grafton, and of Richmond, the lord high chancellor, and the chancellor of the exchequer. Mr Pitt said, "this kingdom has no right to tax the colonies! We give and grant to his majesty, the property of his subjects in America! It is an absurdity. The commons of America have always been in the exercise of this constitutional right of granting their own money; and they would have been slaves, if they had not enjoyed it."

If the repeal of the stamp act had not been coupled with an offensive and alarming declaration, "that the parliament of England had a right to bind the colonies in all cases whatever," the measure would have given entire and universal satisfaction. But, while relief from an actual burden gave great joy to the common people, and all classes rejoiced in the event, the more intelligent patriots received it with distrust and anxiety, because the principle, against which they had been contending, was avowed and asserted, and was to operate, on future occasions, to the prejudice of their rights and liberties, as the will of the administration might dictate. After the stamp act was withdrawn, which they had prayed might be done, still to complain might be construed against them; and to acquiesce in silence in the sentiment advanced, would be wrong, and might soon produce most arbitrary measures. The governor took advantage of the occasion to tell the house, "that he presumed they were sat-

isfied and grateful ; and if any should complain, they must be deemed of a factious spirit, and of very bad tempers."

The chief cause of this reflection from the governor on the house was their omitting to elect such counsellors as were most agreeable to him ; and which he chose to construe into an insult on the king as well as himself, and even " as having a tendency to overthrow the government of the province." The persons, who had been several previous years chosen into the council, and left out in May 1766, were Mr. Hutchinson, (the lieutenant governor,) secretary Oliver, and judges Oliver and Trowbridge. The three first had become very unpopular, from the belief that they had favored the stamp act, and approved the plan of raising a revenue in the province by internal taxes for the treasury in England, or for high salaries to officers of the crown, and of a military force to sustain the custom-house officers in their oppressions. The house expressed their surprise, that the governor should consider their conduct in this respect so improper and dangerous ; they said, " it was their right to elect, and it was most unexpected to be censured for a legal and constitutional act. They believed they had chosen able and faithful men, and they had no doubt they would take good care of the interests of the province. The persons not elected, who the governor thought necessary to the safety and honor of the colony, had other employment and other offices, which required all their time."\*

The governor informed the house, at this time, that when he received any special instructions from the king, which he was daily expecting, he would communicate them. In reply, the house observed, " when your excellency shall be directed to speak to us with *greater authority than your own*, we shall be all attention ; being assured, that every thing coming from his majesty will be full of grace and truth." Soon after, letters were received from the secretary of state, accompanied by an official notice of the repeal of the stamp act ; in which reference was made to the declaration connected with it, of the right of parliament to legislate for the colonies in all cases ; and requiring also that compensation be made to those who sustained losses by the riots of the preceding year. The governor immediately sent the letters to the general court ; and urged them to indemnify the persons whose property was destroyed. He

\* At this session, the governor had given his *veto* to the election of James Otis, as speaker — and he withheld his consent from the following persons, chosen counsellors ; Colonel Otis, Thomas Saunders, Samuel Dexter, and John Gerrish and of this, the house had equal right to complain, as he had of their passing by his *favorites*.

also observed, that if any "objections were made to it, or any attempts still to disquiet the minds of the people, those who were the authors ought to be marked out for punishment, or disgrace."\*

On this occasion, the council addressed a separate answer to the governor, so firm and spirited, that justice to their characters requires a full statement of its contents. "It is with pain we express our apprehension that your excellency's speech may lead some, not acquainted with the state of the province, to form such an opinion of the people as they do not deserve. Surely, you cannot mean to impute the enormities, committed by a few abandoned persons, to the body of the people, or to either branch of the government. We are sure no ill-temper prevails among the people, notwithstanding your intimations; nothing which can lead parliament to regret its favor in the repeal of the stamp act, as your excellency seems to intimate.

"Your excellency is pleased to say, that the government has been attacked in form, and oppugnation made to the authority of the king, because the two houses have exercised a legal right in the choice of counsellors. A regard to justice and truth, to our own character and the reputation of the province, oblige us to speak with freedom, but without intending any disrespect to your excellency. Silence on such an occasion would merit the imputation, which your excellency's language tends to lay on us. Can it be justly said, that the people of the province have attacked the government and are guilty of oppugnation to his majesty's authority, because their representations have not chosen the men to be counsellors, whom your excellency would prefer, and who have before had a seat at the board? Your excellency has seen fit to exercise the right of rejecting several persons chosen by the house and the general court, but no one complains that it is an attack on the government. And we feel it our duty to bear testimony to the loyal and dutiful temper of the people, and the constitutional proceedings of the house of assembly. We really hope, that, because an election is made not agreeable to the chair, it will not be said the government has been attacked or the king's authority opposed."†

\* It was supposed, that he had particular reference to Samuel Adams, and James Otis. They were the most decided, zealous and active—and had they cowered under the threats of the royal governor, the cause of liberty must have greatly suffered.

† It was proof of great presumption in the lieutenant governor, that, when not chosen to the council, of which the governor made so loud complaint, he still took a seat at the board. A committee of the house, going with a message to the council, some days after the elections, were much surprised to

The reply of the house was equally firm and independent.\* They contended for a right to elect such men into the council as they saw fit ; and to decide in what way and to what amount a grant should be to those who suffered by the riots of the former season ;—and they voted to postpone the subject, that they might learn the opinions of their constituents. As to their right of electing one man or another, they must be the sole judges, and they hoped to exercise their right with discretion—they must protest against the control or direction of the chair in their elections—and however wise, prudent, and mild was the present executive, they had no assurance that his successor would possess those shining virtues. As to the residue of the speech, they said, “ they were sorry to be constrained to observe, that the general air and style of it savors much more of an act of free grace and pardon, than of a parliamentary address to the general court ; and we sincerely wish your excellency had been pleased to reserve it for a proclamation.”

At this session, (June 1766) a loyal and humble address was prepared and sent to the king, expressing the thanks of the house for his clemency in approving the act for the repeal of the law imposing duties on stamps. This address was a fair expression of the opinions and views of the representatives of Massachusetts at that period of political controversy and alarm. It may not be difficult to show, that they recognised the supremacy of parliament more readily at one time, than they did at others, or, that, in protesting against the charge of their political enemies of aiming at absolute independence, they spoke more submissively, than they did when laws were made to tax them and raise a revenue in the province without their consent. Then they pleaded for the sole and exclusive right of legislation. A qualified supremacy in parliament, they did not indeed, deny—and yet insisted on the power of the subordinate legislation in the province for laying all taxes on the people. The right derived from nature and recognised by charter, they held sacred, and boldly asserted—but at the same

find the lieutenant governor had taken a seat there. They remonstrated to the council immediately, against the conduct of Mr. Hutchinson. He attempted to justify it, and to claim a seat, as lieutenant governor. The house still complained, and insisted, that, though in the absence of the governor, he had a right to the chair, he had no right to a seat at the board, at any other time. The council agreed with the house, and the lieutenant governor gave up his claim.

\* Mr. Bowdoin was supposed to be the writer of the answer to the council—a part of which only is given. Mr. Hutchinson said that Mr. Bowdoin was the leading member of council, after he was left out ; and that he was generally in sentiment with the friends of liberty in the house.



time called themselves the faithful subjects of the king, and professed submission (with some exceptions) to parliament. Mr. Hutchinson argued, that they must either submit to parliament, or admit that they claimed independence. They were not willing to allow the alternative. But when the crisis came at last, and parliament made laws and the ministry gave instructions which were opposed and resisted, a REVOLUTION was the inevitable consequence.

Governor Bernard was disposed to assert the authority of parliament and the prerogative to the fullest extent: and was often less guarded and less prudent in his language than Mr. Hutchinson. When the stamp act was repealed, and the people were disposed to be quiet, he used irritating expressions, and plainly intimated, that if there were any more disorders or complaints, they must expect no lenity, but force, to oblige them to submit. This produced warm, and sometimes intemperate and indecorous replies from the representatives. When the lieutenant governor and other friends of the governor were left out of the council, he charged them with an attack on the government, and oppugnation to the king. They replied with warmth and severity; and they had just cause for both. His arbitrary principles were offensive to their high spirits, and they believed dangerous to the liberties of the people. They retorted his charge of causing discontents and alarm; and little cordiality from that time existed between them. They considered him the agent of an administration, claiming to exercise a power over them inconsistent with their rights and hostile to their prosperity. The British government had recently manifested a determination to extend its authority to the colonies; which, however claimed before, had seldom been fully exerted, and which their fathers opposed or denied. They were convinced of the governor's devotion to the views and plans of the British ministry, for reducing them to the lowest degree of colonial dependence, and for governing the people by foreign officers; and had no expectation that he would contend for the rights of the province. If the governor, or Mr. Hutchinson ever applied to England, in behalf of the province, it was for *favours*; whilst the true friends of liberty sought for redress from oppression, and boldly resisted all arbitrary exercise of power in the parliament or its agents. Every session of the general court, which brought the governor and the representatives together was sure to produce collision and crimination. He contended for submission to acts of parliament and to ministerial instructions; and they asserted their rights, as free-born Englishmen, and the power granted by charter. The two parties

were thus at issue early in the dispute ; neither would yield, but urged each their claims with increasing feeling and obstinacy.

A portion of those, who sometimes voted with Mr. Hutchinson and opposed some of the measures of the most zealous whigs, at this period, were the sincere friends of civil liberty. It was not from want of attachment to the principles of political freedom, but from timidity, that they did not give their voice in favor of all the measures proposed by James Otis, Samuel Adams and their friends. They readily united in remonstrating against the sugar act, the stamp act and similar measures of the parent government, and in praying for redress ; but declined opposing the authority of parliament, as the more decided and daring spirits of the day did. They loved their country, but feared the opposition could not sustain itself, and that force would be used to oppress the people ; and the condition of the province be far more abject and distressing than if submission were yielded to the laws of parliament. It was among the aged chiefly that such sentiments were declared ; and some apology is due to their prudence, or their fears, while far higher praise is due to those fearless patriots who opposed the giant strength of England, in defence of constitutional freedom and the unalienable rights of the people.

After this period, it appears that governor Bernard kept the general court in session for as short a time as possible, and only summoned them to meet to hear instructions and orders from the British ministry. Often when he called a meeting, they were suddenly prorogued, if found deliberating on measures to vindicate and preserve their rights. While together at the regular session in May and June, the house chose a committee, by recommendation of the governor, to inquire who were active in the riots of 1765, though they then declined making compensation to the sufferers. The committee met and gave notice to the governor, who had said, that the rioters were known, and that proof could be easily given, if an investigation should be made. But he was not able to produce evidence to fix the charge on any individuals. Still he complained " that justice was not done, that the house was disposed to wink the matter out of sight," and intimated that the inhabitants of the town were answerable for the disorders, unless they would detect the individuals who had committed them. In October, the governor summoned a special meeting of the general court, and desired them to say expressly, whether they would, or would not grant compensation to those, whose property was destroyed by the mob, the preceding autumn : and he was so

unwise as to tell them, when that single subject was decided, he should immediately send them home. To this ungracious speech, the house of representatives replied with great firmness and decision; and alluded to his former message on the subject, in which he spoke neither with becoming dignity nor good temper. "The manner in which your excellency has repeatedly urged compensation to the sufferers by the riots," (they say) "is derogatory to the honor of the house, and in breach of the privileges thereof. The terms used are very different from those dictated by the king's express command, as signified in a letter from the secretary of state. They tend to weaken the inherent, uncontrollable right of the people to dispose of their own money to such purposes as they shall deem expedient, and to no other. The house, however, with most dutiful and profound respect for his majesty's gracious and mild *recommendation*, have passed a bill, to be sent to the several towns in the province for the consideration of the people; granting compensation to the sufferers, and a general indemnity and pardon to the offenders." The preamble to the bill was as follows:—"As the king's most excellent majesty, from a desire that the sufferers in the late riots should be compensated, and a veil be drawn over the late unhappy excesses, has been pleased to signify his intention to forgive and forget them, at the same time, in his abundant clemency *recommending* compensation to the sufferers; from a grateful sense of his majesty's grace and clemency, in order to promote peace and safety, to make compensation to said sufferers, and thus to demonstrate to the world a sense of the happiness we enjoy, in being a part of the British empire, and being entitled to the rights, liberties and privileges of British subjects, we, his majesty's most dutiful and loyal subjects, the representatives of the *commons* of this province, in general court assembled, have resolved to give and grant," &c.

This bill was passed in December, 1766; and resolves were also adopted by the house, declaring the reasons for making the compensation; which were, "from a loyal and grateful regard to the king's mild and gracious *recommendation*, from deference to the opinions of the illustrious friends of the colonies in England, and for the sake of internal peace and order, without regard to any interpretation of his majesty's *recommendation* into a requisition precluding all debate and controversy; under a full persuasion that the sufferers had no just claim on the province; and that this compliance ought not, hereafter, to be drawn into a precedent." The resolves further assert, "that the resolutions of the house of representatives had not, as

charged by their enemies, produced the riots; since the riots happened in August, and the said resolutions were passed in October after." \*

The letter from the British minister, used the term *recommendation*, in urging a compensation to the sufferers; but the governor made use of more dictatorial terms, which gave the offence, and which gave occasion for the house to reply to him with more than usual severity. It was a question in the British house of commons, whether the word *recommendation* was sufficiently strong; but by the influence of Pitt, and other friends of the province, it was used as most consistent with the liberties and rights of the people; at the same time it was urged as a reason for the provincial legislature to comply with the views of the British government.† The house seized the occasion, and voted a grant to be made, without yielding any thing of the great principle, for which they were contending.

The restrictions on trade, and the high duties on articles imported into the province, which had often been cause of complaint, were again, in 1766, the occasion of general discontent, and of remonstrances to the British government. The subject was under consideration by the house, in June and in November. The merchants were consulted, and letters addressed to the agents in England for relief. An attempt was also made in parliament, but without success. The merchants in London joined the political enemies of the province, and a bill was brought into parliament laying duties on paper, glass, tea, and some other articles: but the privilege was given to carry lumber and potash directly to Ireland. The appointment of additional officers of the customs from England, also increased the discontents of the people. For it was not only considered oppressive to pay such high duties, but it was feared that officers, who were not citizens of the province, but strangers to the people, would be arbitrary and vexatious in their conduct. And the event justified the fears and predictions of the intelligent friends of liberty. When it was found that petitions and

\* These resolves, in answer to the governor's speech, and the bill for the relief of sufferers by the riots in 1765, were prepared by James Otis, Jr., Samuel Adams, Samuel Dexter, and Joseph Hawley. They were the most active and influential patriots of that period. To whom should be added James Bowdoin, of the council, and Thomas Cushing, James Otis, Sen., Thomas Saunders, Colonel O. Partridge. Of the less firm advocates for liberty, when the dispute became more serious, but in 1765, were among its supporters, were William Brattle, Colonel Bowers, General Winslow, R. Tyler, E. Gray, Sheaffe, and Ropes.

† There was a partial change in the ministry, at this time; and the administration was somewhat more favorably disposed to admit the claims of Massachusetts to a right of laying all internal taxes; but the supremacy of parliament over the colonies, was asserted by the new as well as by the old ministry.

remonstrances had no effect, most of the merchants, with other citizens, united in a resolution to import no more goods of the manufacture of England.\* The measure was not deemed so hostile to Great Britain, as at a later period, when a similar resolution was made. Nor did it produce the injury to English manufactures, which some had expected. The ministry was too much determined to persevere in the policy of imposing duties on all articles carried into the colonies, and of regulating trade solely for the benefit of the parent state, to be moved from their purpose by any trifling inconvenience. The effect, in Massachusetts, was a far less importation of woollens, and an increase of the manufacture of cloth by the people.

In the fall of 1767, some troops of the royal British artillery arrived in the harbor of Boston, and it was said that more had been ordered, to be stationed in the province. The general court was not sitting at the time, and the governor directed that provision be made for them at the castle, though there was no legislative authority for such an expense. These troops were sent by virtue of an act of parliament of 1764, authorizing the king to order a military force to be stationed in any province he might choose, and to quarter them on the people. The act did not immediately go into operation; but the wary patriots considered it pregnant with much mischief, for they saw in it a preparation to enforce obnoxious and oppressive laws at the point of the bayonet.

When the session of January, in 1767, opened, the governor made a very short speech; neither referring to the measures of the year then past, which had produced so much excitement, nor yet to the arrival of British troops in the province, and his order to quarter them on the province. The house commented freely on the following sentence of his speech, which was all it offered to their attention, except the usual tender of his co-operation in measures for the public welfare: your excellency is pleased to recommend to us, "the support of the authority of government, the maintenance of the honor of the province, and the promotion of the welfare of the people." "By the authority of the government, this house understands the charter rights and powers of the great and general court or assembly of this province, and the powers with which the civil officers of

\* From twelve to fifteen ships arrived annually in the port of Boston, with the products and manufactures of Great Britain. But in 1767, the amount of goods imported from England was less, by £165,000, than in 1764; owing to the conduct of the British ministry, and a dislike of the acts imposing high duties; and in 1768, a large ship, with English goods, was sent back, without unloading.

the province are by law invested. While the members of the assembly firmly maintain those rights and powers, and the people sustain the civil officers in the exercise of their respective powers, in execution of the good laws of the province, then we apprehend the authority of government is supported. It is necessary for the support of this authority, that the representatives inform themselves of the extent of those rights and powers, and sacredly adhere to their own, as one branch of the legislature: that they zealously assert the rights of their constituents, the people of the province; and that they endeavor to have the people well acquainted with their natural and constitutional rights and privileges. And we shall always be glad to find your excellency exciting us to the discharge of this important duty." They also adverted to the conduct of the lieutenant governor, in taking a seat in council when he was not elected a member. "If he were introduced by your excellency, we apprehend that the happiest means of supporting the authority of government, or maintaining the honor of the province was not consulted therein. If he took a seat of his own motion, we are constrained to say, that it affords a new and additional instance of *ambition* and a *lust of power*, to what we have heretofore observed.—We cannot promise your excellency that there will be no disagreement or diversity of sentiment among the members of the general court; this is hardly to be expected in a free assembly. In such cases, the house will consider their own honor concerned to debate with candor and to decide with judgment. Had your excellency any command from his majesty to lay before us, we should attend to it with the utmost respect and loyalty, being fully persuaded that our gracious sovereign will require nothing of us but what is just and wise. When you shall be pleased to communicate to us any proposal of your own, we shall duly consider its nature, importance and tendency, and act agreeably to the best light of our understanding."

The house requested, also, to be informed, whether any provision had been made, at the expense of the province, for the troops arrived in the harbor of Boston; and whether more were expected. An artful reply was made by the governor, but not sufficient to satisfy or silence the house. He said he would order an account made out and sent to the house, of expenses incurred for the troops, *the council having advised to provide for the troops, in pursuance of an act of parliament*: as if the advice of council and an act of parliament were authority enough for the executive to expend the money of the people, and to quarter troops in the province, without a law of

the general court. The house were not satisfied with the reason or argument of the governor, and rejoined to his reply, "that it was by virtue of the royal charter alone the governor and council had authority to draw money out of the treasury, and that only according to acts of the general court of the province,—and that it fully secured to the house of representatives the right of originating, granting and disposing of taxes. Your excellency, therefore, in giving orders by advice of council, to make provisions for the artillery companies at the castle, acted contrary to the plain meaning and intention of the charter. If there was, indeed, an *immediate* necessity for some provision for the troops, we are surprised you did not give information of what had been done by the executive, neither at the last session, nor at the opening of the present. Your excellency and the council, by taking this step, have unconstitutionally and unnecessarily subjected the province to an expense, without giving the house an opportunity of passing their judgment on it, and have also put it out of our power to testify, by an act of our own, our readiness to grant to his majesty of our free accord, such aid as his service requires."

At the session of the general court, the last of May, 1767, the governor said, "he had no special commands from the king to communicate," and advised to "the despatch of the public business, and to a spirit of harmony in the public councils, which seemed to have lately departed from the several branches of the government." He declared, "that he should not decline the full exercise of the powers of his office, yet intended to use them with due moderation. Unnecessary disputes, he said, were expensive, and he hoped would be avoided." The house replied, "that they most sincerely desired a mutual confidence between the several branches of government; and that they were not sensible of any act, on their part, which tended to interrupt the general harmony. We are concerned to say, however, that when the people have shown due submission and true loyalty, it should be represented that they are in a bad temper and ready to complain unjustly. We shall be glad of proof to assure the people that you have had no hand in such representation. We are satisfied your excellency does not intend to decline the use of any powers vested in your office; but you will allow us to observe, *that there is such a thing as an indiscreet use of legal power*, of which we must form our own judgment. We shall despatch the public business in as short a time as possible; but there are matters of great concern to the people of the province before us; and while we shall avoid unnecessary disputation, well knowing how ex-

pensive it is, we shall endeavor to maintain and defend the rights of the people, in all suitable ways. We hope their liberties will not be drawn in question; but if they should be, we are bound to contend for them; and shall not think the time so employed, misspent, nor any dispute on our part, for such an object, unnecessary."

When the governor notified the house, during the session, that twenty-seven recruits had arrived, for which he desired provision might be made, it was resolved, "that *such* provision be made for them, *while they remain here*, as has been *usually* made for the king's regular troops, when *occasionally* in the province." In this resolution, a new proof may be seen, of a disposition to comply with an act of parliament and the command of the king, and of a discriminating regard for the rights and authority of the government of the province. The mutiny act, passed by parliament some time before, provided that troops, when on their way to a fortress or place where they were to be stationed, to act against a foreign enemy, should be supplied, for a short time, with necessary support by the colonies. It was an abuse of the law and in violation of the rights of the people, that ministers ordered troops to be permanently placed in the province, and to be supported at its expense. Not only was the order to furnish supplies for the troops opposed, as inconsistent with the right of the assembly to originate and make grants, and to appropriate them, of their own free judgment, but it was a cause of great alarm to the people, that a military force was to be kept up in the province in time of peace. When there was war between Great Britain and France, and troops were sent from England to go against Canada, there was no objection to their being a short time in the province, or to furnish them with provisions. But there was no such cause in 1766-7; and it could not fail to excite great fears, when troops were stationed at and near the metropolis of the province. The people saw in it a determination of the parent government to enforce laws, however oppressive or however unpopular. To the discerning mind of the American patriot, it was ominous of great political evil.\*

\* The question has been often discussed, which province, or colony, was first to make a full and decided opposition to the right of parliament to impose taxes, or to legislate as to the internal concerns of the American people. The 28th of May, 1765, the house of assembly of Virginia passed the following resolution: "That the taxation of the people by their representatives, who can best judge what taxes the people are able to bear, and what are the best way of raising them, and must themselves be affected by them, is the only security against a burdensome taxation and the distinguishing characteristic of British freedom, without which the ancient constitution



## CHAPTER XIII

Conduct towards the native Indians—Governor Bernard gave his negative to several Counsellors elected by the House—Plan to establish Episcopacy—Governor Bernard misrepresents the General Court—Complains that he is attacked in the public prints—Plays prohibited—Slave trade condemned by General Court—Town meeting in Boston; Resolutions passed—Petition of House to the King, and Circular to other Colonies—Refuse to rescind Circulars—Governor dissolved the Assembly—Complaints of the people—Convention in Boston—British troops stationed in Boston—Conduct of Colonel of troops—General Gage in Boston—General Court convened—Governor Bernard unpopular—Firmness of the Council—Dispute between Governor and House.

THE question of right in laying taxes on the people of the province, and legislating on their internal concerns, was of such

cannot exist." This has been said to be the first explicit denial of the authority of parliament over the people in the colonies. But the declaration and resolves of the house of representatives of Massachusetts, in June, and especially in November, 1764, assert their exclusive right to levy taxes in the province. The citizens of Boston said, in May, 1764, "if our trade may be taxed by parliament, why not our lands? why not the produce of our lands and every thing we possess? This, we conceive, annihilates our charter rights to govern and tax ourselves. It strikes at our rights and privileges, which we hold in common with our fellow subjects, who are natives of Great Britain. The house of assembly, in June 1764, remonstrated against the claim of parliament to tax the colonies. In a letter to their agent in England, they complained, "that he seemed to have tacitly admitted the right of parliament to lay duties and taxes on them;" "which," they added, "*never could be conceded*, as they were not represented in the British legislature: it being a fundamental principle of the British constitution, that the subject could not be taxed without the consent of his representative." They complained that they should be reduced to slavery, if parliament could tax them at its pleasure. The house gave notice to the other colonies of these proceedings, (which, no doubt, led to the resolutions of Virginia and New York.) In October, 1764, the representatives of Massachusetts were still more explicit. They prepared a petition to the king, which the council saw fit to have directed to the British house of commons, and which they altered in some material points. The house had asserted the sole right to tax themselves by their representatives, and that it was an infringement on their rights, for parliament to impose taxes and duties on them. The council substituted *privileges* for rights. The house objected, and at last, by compromise, inserted *liberties* instead. The original draft, as adopted by the house, was as explicit and full as the resolves of Virginia in May, 1765. And in a letter to their agent, at this time both council and

general interest, that other subjects were frequently postponed; or, when before the general court, excited little attention, compared to the former. In 1767, however, there was a temporary suspension of the great controversy with the British administration, as all the arguments had already been advanced on both sides, and no particular measure, (except that of quartering the troops, which was also adjusted, as to the particular case which was presented,) exclusively engaged the public mind; other subjects occupied the attention of the legislature.

In his message to the general court, (May, 1767,) the governor communicated a letter from the British ministers, referring to complaints made by the Indians in some of the colonies,\* that encroachments had been made on their lands. A joint committee was appointed, to consider the subject, so far as Massachusetts was concerned. The report of the committee was highly honorable to the character of the province from its first settlement. Nor was the statement made ever contradicted; as probably it would have been, if incorrect. The committee say, "we are satisfied there are no complaints against *this province* by his majesty's agents for Indian affairs. It is with much pleasure that we remind your excellency, and *inform the world, that greater care was taken of the Indians by our pious ancestors, during the old charter, and by this government under the new, even to this day, than was ever required of us, by the British government.*" The report refers to a law of the colony, of 1633, "to prevent injustice and frauds towards the Indians;" to efforts early and frequently made to provide instructors for the Indians; and to laws requiring magistrates to see full justice done them in all cases. It added, "the Indians always had perfect confidence in the government of the colony. We glory in its conduct, in this respect: we make our boast of it, as unexampled; and we have been free and spontaneous on our part."

At the general election, the last Wednesday of May, 1767, governor Bernard gave his negative to several gentlemen who were chosen counsellors by the general court. They were members of the house; and were immediately appointed a

house say, "that they had spoken in their petition of their rights, *so as not to give offence*, and so as that no inference should be drawn, either that they had *given up*, or had *set up in apposition* to parliament; but in a letter to him they might be more explicit, and they then say, "that the people of the colonies have the (sole) right to tax themselves, and that so far as parliament should lay taxes on them, so far they should be deprived of their right."

\* It is not stated which colonies the complaints of the Indians referred to.

committee to introduce to the governor other counsellors elected in their place. A similar course was pursued by the representatives at a later day ;\* but whether from recollection of the former case does not appear. It was a singular instance, perhaps, that the governor proposed to the house, that if they would elect Mr. Hutchinson and some other of his friends into the council, he would consent to the choice of some of their particular friends. The house declined to make any such compromise.†

The people of Massachusetts were again alarmed, this year, by the report, that bishops were to be supported in the colonies, under the patronage and at the expense of the British government. There was probably, no formal plan of the administration to establish episcopacy in America as it was in England, though some zealous members of that church wished for such a measure. The fear was, that the congregational forms of worship would be discountenanced ; and the complaints were therefore very general. Much was written on the subject. Both laity and clergy deprecated such a plan : and the agent in England was instructed to oppose it. Whether the design of the British government, for giving greater support to episcopacy in America, was ultimately to promote political purposes, or grew out of a desire in the bishops to extend the borders of their church, and put down dissenters, can not easily be decided ; but the degree of apprehension was the same, with the people of Massachusetts : their aversion was to the system, and not merely to the means of introducing and supporting it.

It had been long suspected, that governor Bernard and Mr. Hutchinson gave unfavorable statements of the views of Massachusetts to the British ministry ; that they approved of high duties and custom-house officers, and even of a military force to assist in carrying arbitrary and oppressive acts of parliament into operation. At the session of the assembly, in January, 1768, the governor sent them a copy of a letter he had received from one of the ministers, approving of his conduct, and censuring the house, for its opposition to acts of parliament ; and as being generally indisposed to a due submission to the parent government. The house requested of the governor, copies of any communication he had made to the ministry, to which this letter was a reply. For they considered, from some parts of the letter from England to the governor that he had misrep-

\* In 1811.

† This fact is mentioned by Mr. Hutchinson himself, in his III. Vol.

sented their views and characters ; and led the king and his ministers to think them unreasonably disposed to complain of the measures of the British government. The governor declined to furnish any copies of his letters to the ministry ; and was even unwilling the house should retain a copy of the letter he had laid before them. They wished to communicate it to their constituents, and to point out its unfounded statements. After some delay, he gave them a copy as they desired ; which was soon after published. It was evident, from the tenor of the letter, that the governor had censured, and in some measure, misrepresented the general court to the British ministry. The letter of the minister commended the governor for his negative on the counsellors, chosen by the house ; but condemned the house for not electing such counsellors as would be agreeable to the governor. The conduct of the governor, in this instance, for writing privately to England, of the " bad spirit (as he called it) of the people, of their opposition to the authority of the parent government, and recommending that regular troops be sent into the province, to keep the people in subjection"—was noticed in the Boston Gazette, a paper devoted to the cause of liberty, with some severe remarks on his character, as a friend of arbitrary principles. Of this the governor publicly complained to the house. They replied, " that in a free country, and in times of political excitement, there would be severe remarks ; and that his friends had represented, in some of the papers, the supporters of the liberty and rights of the province, to be bad men, and wholly governed by selfish motives." They therefore concluded to take no further notice of the publication to which he referred.\*

Attempts were made in 1767, to permit theatrical exhibitions, and to repeal the laws before made against them. In the early days of Massachusetts, severe laws were passed against them, but some unsuccessful efforts had been subsequently made to abolish such statutes. The proposal, this year, to repeal the old laws, was equally vain ; a majority of the people were opposed to such exhibitions and entertainments. They considered them as calculated rather to corrupt than to improve the heart. They said, " they claimed, indeed, to be innocent amusements ; but they believed them the means of dis-

\* The superior court set soon after in Suffolk, and the chief justice, (Mr. Hutchinson,) spoke of the libel, and told the grand jury they were bound by oath to notice it ; and the attorney general laid a bill before them ; but they returned it, indorsed, "*ignoramus*."

seminating licentious maxims, and tending to immorality of conduct.”\*

The subject of slavery occupied the attention of the legislature of Massachusetts, at one of the sessions in 1767. A bill was passed by both branches of the general court, to prohibit the slave trade ; but the governor refused to give it his signature. It was believed he had been so instructed by the British ministry, probably through the influence of merchants concerned in this inhuman traffic, to prevent the passage of such an act. In the time of Governor Hutchinson, several attempts were made by the representatives of Massachusetts, to put an end to this practice, which is so gross an outrage against humanity ; but he also declined to give it his sanction, for the same reason. His directions from the ministry prevented. As correct views of civil liberty and of the rights of man prevailed in the province, greater sympathy for the Africans was manifested ; and many owners of slaves gave up their claims to their services. At this period, it was computed that one third within the province were in Boston.†

In the disputes, between Governor Bernard and the house of assembly of Massachusetts, for several years, he was unfortunate in his manner, and feeble in his argument, unless it was enough merely to assert the supremacy of parliament. The replies of the house were always able, and sometimes severe. He often exposed himself to their just criticisms : and they never failed to take advantage of his errors or his caprice. In 1767, he appears to have designedly avoided all dispute with them, and to have them in session as little time as possible. The general court was a less time in session that year, than in any other for a long period. The town of Boston, at this time, requested the governor to call a meeting of the legislature ; but he declined. And a meeting of the citizens of that patriotic town was holden in November, to consider the state of public affairs. Resolutions were passed, to encourage industry, economy, and manufactures. A committee was also chosen to obtain subscribers to an agreement not to use British goods, and to refrain from the use of all unnecessary articles. The subscribers were very numerous ; and many other towns in the

\* The British officers, then in Boston, frequently recited plays, or parts of them, before some of the inhabitants ; which led to an effort, in those who were pleased with the amusement, to obtain a repeal of the statute which forbid them.

† Some negro slaves were brought into Massachusetts afterwards, in 1770, by the captain of a vessel from the West Indies ; they sued for their liberty, and the issue was in their favor.

province adopted a similar resolution. The members of the most respectable families appeared in a plain and unexpensive dress ; and for tea and foreign fruit, substituted other and cheaper articles for refreshment.

When the general court came together in January, 1768, they were fully prepared for action. A large committee was chosen to consider the state of the province. Mr. Cushing, who was the speaker, as was then the usage, was the nominal chairman ; but the more efficient and able members were Samuel Adams, James Otis, Joseph Hawley, Colonel Otis, Samuel Dexter, and John Hancock. They prepared a petition to the king, and to the ministry, a long message to the governor, a letter of great power to their agent in England, and a circular address to all the other provincial assemblies. In all these papers, they were firm and decided in contending for their rights, as Englishmen, and for such as their charter assured them of : and at the same time, were temperate and respectful to the king and the ministry. Their letter to the agent was very elaborate ; and was justly considered an uncommonly able document. And their circular to the other colonial assemblies was calculated to call forth the patriotic zeal and efforts of the friends of liberty in all parts of America.

Their petition to the king, contained the strongest professions of loyalty, and stated the sufferings and labors of their ancestors in settling the province ; and contended for the authority of a subordinate legislature to make laws for the government and welfare of the people. Similar views were expressed in the letter to ministers. In the circular to the general assemblies of the other colonies, they referred to recent acts of parliament, which were deemed oppressive, and incompatible with the rights of the people and of the legislatures in America ; as those imposing duties and restrictions on trade ; establishing courts of admiralty, in which causes were decided without juries, and exorbitant fees demanded ; and quartering troops among the people in time of peace. They wished to know the views and sentiments of the several assemblies, on these and other topics, regarding the liberty and welfare of the colonies. Their letter to their agent in England contained all the arguments used in their public papers ; but was far more full and elaborate. Some extracts from it are necessary to show not only the views, but the ability of the men of Massachusetts, who conducted the interesting controversy, at that period, with the administration in England.\*

\* *John Dickinson*, the author of the "Farmer's Letters," said—"Never will

"The fundamental rules of the British constitution are the only security of the subjects of the whole empire; and it is a security to which all in every part of the kingdom are entitled. The supreme legislature, in every free state, derives its power from the constitution; by the fundamental rules of which it is bounded and circumscribed. As a legislative power is essentially requisite where the powers of government are exercised, the legislative assemblies in America, (it is conceived) were erected, as their existence and the free exercise of their power within their several limits, are essentially important and necessary to preserve to the subjects in America the advantages of the fundamental laws of the constitution. When we speak of the rights of the people in America and of the interest we have in the British constitution, in common with other British subjects, we shall not be suspected of the most distant thought of an independency of Great Britain. We know some have supposed this of the colonists. But it is so far from the truth, that we apprehend the colonies would refuse it, if offered them, and would deem it a misfortune to be separated from the government of England. While we have the full enjoyment of the rights of our happy constitution, there will be no grounds of envy or discontent on the one hand, nor of jealousy and distrust on the other. It is the glory of the British constitution, that it has its foundation in the laws of God and nature. It is a natural and essential right, that a man shall quietly enjoy and have the sole disposal of his own property. This right is recognised in the constitution. And this natural and constitutional right is so familiar to the people in America, that it would be difficult, if possible, to convince them that any necessity can render it just and equitable that parliament should impose duties or taxes on them, internal or external, for the sole purpose of raising a revenue. The reason is obvious: because they are not represented and their consent cannot constitutionally be had in parliament.

"When the parliament, soon after the repeal of the stamp act, thought proper to declare its authority and right to make laws, which should in all cases be binding on the colonies, it is probable that acts for laying taxes, internal and external, were

my heart become insensible, (till it is indifferent to all worldly things,) of the obligations I owe to the people of Massachusetts, for the vigilance with which they have watched over, and the zeal and firmness with which they have maintained the liberties of the colonies." "If America is saved," (said the citizens of Philadelphia,) "from impending danger, Massachusetts must be considered the guardian." P. Randolph said, "I consider the people of Massachusetts as very vigilant and steadfast guardians of American liberty."

included ; for the act, lately passed, imposing duties on paper, glass, tea, and painters' stuffs, as well as the sugar act and stamp act, are in form and substance as much revenue acts, as those for the land tax, customs, and excise, in England. We humbly conceive, that objections may be justly made to them ; and we think it can be shown, that they are oppressive and injurious. The security of right and property is the great end of government ; and such measures as tend to render right and property precarious, tend to destroy both property and government. But what property can the colonists be supposed to have, if their money may be granted away by others, and without their own consent ? Yet this is the case at present ; for they were in no sense represented in parliament when the act for raising a revenue in America was passed. The stamp act was complained of as a great grievance ; and is there any difference between the late act and the stamp act ? They were both designed to raise a revenue in America.\*

"The original contract between the king and the first settlers here, was a royal promise, in behalf of the nation, that if they, at their own charge, would subdue a wilderness, and thus enlarge the king's dominions, they and their posterity should enjoy such rights and privileges, as in their several charters are expressed ; which are the rights, liberties, and privileges of natural born subjects within the realm. The principal privilege implied, and in most charters fully expressed, is a freedom from all taxes, but such as they shall consent to, in person or by representatives of their own free election. King James II. broke the original charter ; but, happily for us, his arbitrary conduct was disapproved in England. The charter of this province was restored, with nearly equal privileges and rights ; especially that of a representative assembly, with the power of laying taxes and regulating the internal concerns of the province.

"By the common law, the colonists are adjudged to be natural born subjects. So they are declared by charter ; and they are so by the spirit of the law of nature and nations. And no jurist, we think, will deny, that they are entitled to all the essential rights, liberties, and privileges of the king's subjects

\* In 1767, an act of parliament imposed duties on glass, tea, paper, painters' stuff, &c., imported into the colonies ; not as a regulation of trade, but to raise a revenue ; and that revenue to be, not for the colonial treasures, but for such purposes as the British ministers should direct. This was in pursuance of the declaration of parliament, on repeal of the stamp act, "that it had a right to bind the colonies in all cases whatever." At the same time, a board of British commissioners was established in Boston, to collect and distribute the duties ; and several military companies were also sent into the province to aid the custom-house officers. Hence the letters and petitions above mentioned.



born within the realm. The attorney general told King James, 'that he could no more grant a commission to levy money on his subjects in the colonies, without their consent, by their assemblies, than he could discharge them of their allegiance to the crown.' "

They also referred to the injury on trade arising from the duties on imported goods and products, and stated that they should not be able to take the manufactures of England as they had done. It was said, that Great Britain received twenty-five per cent. more than would have been paid, if the colonies had taken them from other places. Goods were brought annually into the colonies from England, of the value of about two millions; and the tax really paid on them was four hundred thousand pounds. The restrictions on commerce, by which the colonies were prohibited from trading directly to other ports than English, were also shown to be for the benefit of Great Britain, and injurious to the people in America. Objections were likewise made to the appropriation of the revenue, thus to be raised, which was to support numerous officers appointed in England, and a standing military force to compel the people to submit to the arbitrary acts of the ministry; and they mentioned the dissolving of the general court in New York, by a ministerial order, because it declined to provide for quartering the British troops in that colony; and pointed out the injustice of such a measure.

The governor and his political friends in the province were highly displeased with the proceedings of the general assembly in January, 1768; particularly with their circular letter to the other colonies, in which their opinions were requested on the interesting subjects therein suggested. The measure was represented as having been urged by a *few factious, discontented* men; and as designed to form a united opposition in the colonies to the late acts of parliament. Such representations were made by the governor that the British ministers gave him directions, that unless the circular letter was rescinded to dissolve the general court. The governor informed them, that such orders had been received. The house requested copies of the minister's letters; and also of the governor's letters to the ministry. They were desirous to know what he had written; for they believed he had misrepresented their views, touching the circular to the other colonies. They had not proposed a convention, nor any other plan of united opposition; and, on former occasions, such meetings had been held without giving offence to the government in England. There was a general desire, therefore, to see the late letters of the governor

to England; but he declined: and the house refused, by a large vote, to rescind their circular letter. They also said, it would be of no avail; for the letters had been sent several months before; and no further action was intended by them. On their message to the governor,\* stating that they had voted not to rescind, he immediately adjourned the court; and the following day issued a proclamation to dissolve it.†

This measure of the governor served only to increase the opposition, and to inspirit the leaders to greater resolution and activity. It was not in character for the patriots of that day to be easily intimidated, or driven from their purpose. Their minds were made up for the crisis, whenever it might arrive. And no obstacles or menaces could check their zeal in the just cause in which they were engaged.

In the month of June, at the instance of an officer of the customs, a vessel belonging to a merchant of Boston was seized by a boat's crew of an English ship-of-war in the harbor, and forcibly taken from the wharf to the ship. The act was committed in a violent manner, by cutting her fasts; and the people were highly exasperated on the occasion. They assembled in the evening, and committed some disorders, and insulted some of the officers of the British ship, whom they found in the town. The seizure of the merchant vessel was made merely on suspicion, and unnecessary violence was committed by those who seized her. The general court was consulting on measures to punish the rioters when it was dissolved. The council, remaining in session, made a report on the subject, and authorized the governor to offer a reward for the detection of those concerned in the riot. But, at the same time, gave an opinion, that the seizure was an aggravated affair, and that some excuse was to be made for the irritation and disorder among the people afterward.‡

The proceedings of the council, at this period, were firm and judicious. They addressed a letter to the agent of the

\* More than five sixths of the members of the house voted not to rescind. When the house gave the governor notice of their vote, they said "they were actuated by a sense of their duty to God, their king, their country, and their posterity; and they hoped his *future* conduct would be governed by the same principles."

† There was no secrecy in preparing and voting to send the circular to the other colonies; and the governor was informed of the measure at the time by a committee of the house. The minister in England told the agent, "that he saw nothing unreasonable in it." The excitement was owing to a belief of gross misrepresentation by the governor.

‡ Mr. Pitt said in parliament, at this time, when opposing the oppressive measures of the ministry towards the colonies—"The Americans have been wronged; they have been driven to madness by your injustice—Will you punish them for the madness you have occasioned?"

province, and to the ministry in England, complaining of the order to dissolve the house of representatives. They insisted, that the circular letter to the other colonies did not merit such a course; the letter merely asking and giving advice. They spoke of the alarm and discontents of the people arising from a dissolution of the general court; of the oppressive effect of the new duties; of the arbitrary conduct of the officers of the customs; and especially of the quartering of regular troops in the province.\*

It was a period of great excitement, and every friend of liberty and constitutional law was anxiously meditating what course was proper to pursue. The merchants renewed the agreement not to import the manufactures of England; and articles of mourning were dispensed with at funerals. The citizens of Boston met again, and prayed the governor to call the general court together, which he declined to do. He informed them, he could not summon the court, without an order from the British ministers; and if he should call them together, and they would not rescind the circular letter, or confess the error of issuing it, he should again dissolve it. They then proposed a convention in Boston, and requested all the towns in the province to choose members to attend it. A convention was accordingly holden in that place, in September, 1768, composed of delegates from more than one hundred towns. They were in session several days. The first measure adopted was a request to the governor to call a general court.† But he refused to receive the petition, and said, it was an unauthorized and irregular meeting. The convention disclaimed all legislative and governmental authority; and declared the cause and object of the meeting were the alarms of the people, and the obtaining of relief from the oppressive system of imposts, custom-house officers,‡ and regular troops; which were grievances to the province, and incompatible with its just authority, its rights and liberties. They recommended to the people to refrain from all acts of violence and tumult, and to submit to all legal authority, till some way of relief should be opened to them. They prepared a letter to the agent of the province in

\* Mr. Hutchinson says "that after the lieutenant governor was left out of the council, there was little freedom and independence in that body; and that it became subservient to the views of the leaders in the house."

† At this meeting, it was also voted, that the people of the province be advised to furnish themselves with fire-arms: and that a day of fasting and prayer be observed.

‡ The officers of the customs were very obnoxious to the people. The cadets, the governor's guard, voted not to dine with the commander-in-chief, on a public occasion, (June, 1768) if the commissioners were invited.

England, and a petition to the king. In these, they said there was reason to fear, that misstatements had been made, by some in authority in the province, as to the conduct and designs of the people; in consequence of which regular troops were ordered to be stationed among them. They complained that the general court had been dissolved, and that petitions before forwarded to the king had not been presented. They stated that the people did not wish for independence, nor were promoters of riot and violence. "We hold that the sovereignty of his majesty, King George Third, (they said) is entire in all parts of the British empire; God forbid, that we should ever act or wish any thing in repugnation of the same. We appear as plain, honest men, humbly desiring peace and order; and while the people observe a medium between abject submission and a slavish stupidity under grievous oppressions, on one hand, and illegal attempts to obtain relief, on the other, and steadily persevere in constitutional applications to recover their just rights and liberties, they think they may promise themselves success."

So prudent and temperate were the proceedings of the convention, that, though the governor and his friends, at first, considered it highly irregular, they spoke of its conduct afterwards without censure. Some of the government party said, "it was destitute of spirit, and that the expected arrival of more troops intimidated a majority of the meeting." It was a season of uncommon anxiety and apprehension through the province; and it was difficult to decide, whether forbearance and moderation, or more spirited measures, were the most proper; and the most suitable to guard against continued or even greater acts of oppression. It was evident, there was a determination in ministers to enforce the acts of parliament, which in the province were considered unjust, even at the point of the bayonet. Whether they had adopted such a determination, from their own conviction, that it was necessary to carry the laws into effect, at all hazards; or whether the advice of Governor Bernard, and others in Massachusetts, had induced the ministry to adopt such a course; the belief of the people in fact was, that a standing army would be sent into the province, to awe, or to coerce them into submission.

This was a perilous condition, and required not only resolution and spirit, but wisdom and prudence.\* The province was

\* From 1763 to 1766, James Otis, Jr., an eminent attorney of Boston, was the leading member of the house of representatives. His father, an inhabitant of Barnstable, was also one of the zealous and active advocates for the rights of the province. The education of the son was superior to that of the father: but both had talent, and energy of character. Mr.

weak, and England was powerful — a contest of force, at that time, would have been the extreme of folly and rashness. And yet, quietly to acquiesce in the measures of administration, was not in character for the men of that day, and it would have proved fatal to the cause of constitutional liberty. Prudent counsels prevailed; and the effect was eventually favorable. There was no apathy, and no servile submission to arbitrary power. Proper remonstrances were made against the oppressive measures under which the people of the province were groaning; and a spirit was gaining strength, as information prevailed, to meet impending difficulties. One of the greatest evils felt, was the want of a house of assembly, a constitutional body, to oppose tyranny, and to defend the people in the enjoyment of their rights and liberties. For, if the British ministry could prevent the general court sitting, as they pleased, the regular way to seek relief and to oppose arbitrary measures could no longer be used. The evil was in some measure mitigated by the vigilance and firmness of the council. They could be a check, in some cases, on the governor, though they could not perform any acts of legislation.

On the day of the adjournment of the convention in Boston, or only the evening before, two regiments of British troops arrived from Halifax, which had been ordered by General Gage, in compliance with instructions from England, to be sta-

Hutchinson charged them with ambition and selfishness; while the people generally were unable to account for his public conduct, except from the love of office and power. Samuel Adams, of Boston, was among the early supporters of the rights and liberties of the people. Before he was a member of the house, he had great influence with the committees, appointed to prepare state papers, and took the lead in the proceedings of the town, relating to public affairs. He was chosen a member of the house in September, 1765, in the place of Oxenbridge Thacher, (who died at that time) who was a very learned, judicious, and able friend of the province. Thomas Cushing, who was often speaker of the house, was a member for Boston, and a warm supporter of civil liberty; but he was not qualified to be a leader of opposition, in a time like that of 1765, and 1770. James Bowdoin was distinguished for wisdom, discretion, and cool judgment, yet not deficient in energy and decision of character, to contend against the ablest advocates of the British government. He was generally chosen into the council; and was there a great supporter of the measures proposed by the whigs in the house. He was also a scholar and a philosopher. Samuel Dexter, in some respects, was of a similar character to Bowdoin; a man of the first education, of great reading, and well versed in the writings of Locke, Grotius, Hampden, Sidney, and Harrington. Joseph Hawley, an eminent lawyer of Northampton, was more like Otis; ardent, zealous, and eloquent; and in his writings against the friends of arbitrary power, full of severity and sarcasm. Thomas Saunders, of Gloucester, and Joseph Gerish, of Newburyport, were men of influence in the house, and had the honor of being several times rejected by the governor, when chosen counsellors, merely because they were opposed to his arbitrary principles, and to the measures of the British ministry.

tioned in the capital of Massachusetts. One or two others were also expected from Ireland; intelligence having been received that orders had been issued for that purpose. The alarm produced by these events was universal and extreme. To have regular troops stationed in the province in time of peace, was altogether unprecedented. The only design was seen to be to compel obedience to the arbitrary orders of custom-house officers, or of the governor, who was disposed to maintain his authority (and of the extent of his authority he was to be sole judge) at every hazard. And the prospect was the more exciting and alarming, as it was known that the governor and some others had given ministers an opinion, that order and law could not be maintained in Massachusetts without an armed force.

The popular excitement was so great, at this time, that the governor was alarmed for his personal safety. Some of the people were too much inclined to mobs; and though most of the reflecting part of the town did not approve such violences, it was said, they did not use all possible efforts to prevent or punish them. Probably, the governor was conscious he had been the cause of sending troops into the province. He had been often charged with advising to it. Mr. Hutchinson says, that General Gage, at New York, then commander of the British forces in America, had orders to send troops to Massachusetts, whenever Governor Bernard should desire it. He once asked the advice of the council (in 1767) whether he should apply to General Gage for troops: and he enjoined secrecy under their oaths, when he requested their consent. They advised against it; and the troops were not applied for, at that time. Whether he made a request for them again in 1768, does not appear; but the people generally supposed, that it was in consequence of his representations, the troops were sent in that year. Governor Bernard proposed leaving the province, at this period; and said to his friends, that he had been more happy in New Jersey than in Massachusetts. The troops came, and he seems to have been more willing to remain. The house had before this requested the British ministry that Governor Bernard might be recalled. He was very unpopular at this time; for it was known that he had greatly misrepresented the province.

Before the troops arrived, the governor informed the council, that they were soon expected, and desired them to order a place and provisions for them. The council advised that the selectmen of Boston might be consulted; but they declined acting in the case. The governor then pressed the subject

again before the council. They gave an opinion, after some deliberation, that the troops should be stationed at the castle; and offered as reasons, that there was no necessity to quarter them in Boston, and that the accommodations at the castle were sufficient; at least for the two regiments expected from Halifax; and they hoped no others would be ordered. The governor replied, that the directions were for part of the troops to be stationed in Boston, *to preserve the peace and order of the town.\** It was only proposed at first, to quarter one regiment in Boston, and to have the other stationed on Castle Island. But, the commander was told, on his arrival, that both the town and the governor's council were opposed to having the troops stationed in Boston; and he resolved to land all in that place, instead of the castle. When desired to provide quarters for them, the council said there were barracks at the castle unoccupied, and that was the proper place for them. Under a pretence, that the troops were wholly under control of the colonel, and that he had no authority in the case, the governor had invited the military officers (and some others) to be present in council, when the request was made to the board, for quarters for the troops. And the colonel presumed to give his opinion, at the council board; "saying, that no man out of Massachusetts would have objected to such a request, and that they had put a wrong construction on the act of parliament, which provided for the quartering of troops in the colonies." He also threatened to give information to the ministry, of this refusal of the council.† The officer was so inconsiderate as to say, that there was a bad spirit in Boston, which had induced him to land both regiments there. The council replied, that he was mistaken; and they hoped he would represent to the authority in England, that the people were peaceable and orderly; and would prevent the sending of more troops into the province. The council finally consented, that the governor, if he saw fit, might quarter the troops in Boston, but that the expense must not be on the province, but on the British government.‡

\* The people said, "to overawe the friends of liberty, and to support British agents and officers in their conduct, howsoever oppressive or arbitrary;" and "that the troops would not have been sent, but by advice of ill-minded persons."

† This was singular conduct; and justly alarmed the friends of civil liberty. The representatives of the people were not allowed to assemble; and even the council was overawed by the presence of a military officer, who was not of the board.

‡ The frame of a guard-house, which the British colonel, Dalrymple, had put up, at the south end of Boston, on the neck, was pulled down by the mob, the evening of October 10th, 1768.

Soon after, General Gage arrived in Boston from New York, probably by request of Governor Bernard, and he too was invited to be present in council, when the governor asked advice as to the disposition of the regiments then expected from Ireland. The governor proposed that the manufactory building, the property of the province, should be fitted up for the troops. After much urging by the governor, six out of eleven of the council consented that the building might be used for that purpose, provided there was not sufficient room at the castle ; and that the expenses be borne by the crown. The governor afterwards, ordered the sheriff, accompanied by Mr. Hutchinson, to take possession, if he could peaceably : but he was prevented ; (as Hutchinson says,) "by some of the first-rate sons of liberty." General Gage then hired houses for the troops ; but this was not done, without great difficulty. There was a strong objection to having regular troops in the town or provinces, and few were so sordid as to barter their principles of liberty for gold. While General Gage was in Boston, the council presented an address to him ; with a view to apologise for the late disorders, and to show that troops were not necessary to the quiet of the province, or the execution of the laws : and desiring him to order the troops in Boston to the castle, and to prevent any more coming into the province. The council of the next year complained that General Gage had misrepresented the state and temper of the people, and had advised, that the troops be kept in the province. Perhaps, nothing better could be justly expected of a military chief.

The prospect at this period (the winter of 1768-9) was encouraging to the friends of administration, and the opposition party was almost ready to despond. There was no house of assembly—the governor and his supporters had the confidence of ministers—their ill reports of the province were believed, the oppressive and obnoxious laws were in full operation, and several regiments of mercenary troops had been sent into the province to enforce those laws. Arbitrary power was triumphant. The people indeed, complained, the council complained and remonstrated—but however just their complaints and remonstrances, the strong arm of power was against them. But the genius of liberty was not dead nor asleep. There was a spirit of inquiry and of resolution abroad among the people ; and most were ready to suffer every thing in support of civil liberty, for which their fathers had struggled.\*

\* Governor Bernard wrote to the ministry, that some of the people of Massachusetts were mad enough to declare "that they were ready to die for liberty." This was a strange sentiment to the governor!



It was found, that acts of parliament for quartering troops, and for sending persons suspected of treason to England for trial, had been repealed, or were of no force. And after a few months, the friends of liberty took fresh courage, and resolved never to despair of the commonwealth. When Governor Bernard was requested to call the general court together and declined, he said he could not do it, till directed by the King's ministers. But in the spring of 1769, writs were issued for the choice of representatives to meet the last Wednesday of May. He probably received instructions for that purpose. His conduct was not fully approved in England; and he was certainly deficient in discretion, or in a conciliating temper. The riots were prejudicial, in some degree, to the character of the province; but the temperate and prudent conduct of the council and the moderation of the convention which was held in Boston, served to convince the administration in England, that the people of Massachusetts were not disposed to rebellion, but were loyal and friendly to law and order. The military force, however, continued in Boston, ready, when necessary, to support the governor and other officers of the crown.

But the spirit of liberty was not subdued, under all this formidable array of power. There was, indeed, a mighty odds, and yet patriotism was watchful and active. When the house assembled, a resolve was passed, approving the firm and faithful conduct of the council, during the suspension of the court: and a solemn protest was made to the governor, even before his regular and usual speech to them, against stationing troops in the province in a time of peace, and placing a portion of them near the house where the legislature met, as if to overawe them in their deliberations for the welfare and liberties of the people. They said, "the experience of ages was sufficient to show that the military power is ever dangerous, and subversive of free institutions. The council has publicly declared, that the military is unnecessary for the support of civil authority in the province: Nor can we conceive that his majesty's service requires a fleet and army here, in this time of profound peace. We have a right to expect that your excellency will give the necessary orders, as the king's agent, for the removal of the troops and ships, out of this port, and from the gates of this city, during the session of the general court." They also declared, that it was their purpose to support the king's authority, and the welfare of the province,—to make a thorough inquiry into the grievances of the people, and to have them redressed, to reform illegal proceedings and maintain public liberty: for that these were the great ends for which the court

had assembled.\* The governor replied, "that he had no authority over the ships in the harbor, nor the troops in the town; and therefore could give no orders for their removal."

This gave no satisfaction to the representatives, nor to the people. The great principle, both in England and the colonies, was, that the military must always be subordinate to the civil authority. But here were nearly four regiments, consisting of about two thousand troops, above the control and orders of the civil power, and solely at the command of a military officer. The declaration of the governor, therefore, served to increase rather than to allay the fears of the people. Before attending to the usual business of the session, or choosing counsellors, the house adopted resolutions and a protest, in which they declared that they would, to the utmost of their power, support and maintain a constitutional freedom in their elections, debates and deliberations,—that having an armed force by sea and land, in and near the metropolis, while the legislature was in session, was a breach of privilege, and inconsistent with that dignity and freedom, with which they had a right to deliberate and determine. And that they proceeded to take part in the elections of the day, from necessity only.

In a short speech to the general court, the governor professed to aim at the honor of the crown and the welfare of the people; and said these two objects were, in his view, quite consistent. But his conduct gave no evidence that he sought the latter, however desirous he might be to maintain the former. He declined the proper exercise of his authority, as chief magistrate of the province, and left the disposition of the troops entirely to the control of their immediate commander. This was a gross error, either in Governor Bernard, or the ministry, by whose instructions he acted. He also gave his dissent to eleven gentlemen chosen into the council; among whom was Bowdoin, and several others, truly discreet and moderate men, even in their political conduct.†

The house of representatives declined proceeding to the ordinary business of the session; and a third time protested against the troops being stationed in Boston, and especially by the court house. They said it was an insult to the representatives, and to the province; and they again expressed their surprise, that the governor should say, that he had no authority or

\* Part of the British troops were quartered near the State House, and their cannon placed just by the doors. Some were in the market house, and some in a building called the Manufactory House.

† Artemas Ward, John Hancock, William Brattle, and Walter Spencer, were of the number.

control over the troops in the province. He, in reply, complained that they had been together fifteen days, and transacted no more of the public business. He said they were expending the people's money, without doing them any service. They retorted, "that they must judge what the interests of the people required, and should presume on their approbation, while defending their rights. The people would not complain on account of the expense of a few days continuance of the court, so that their liberties were preserved." When the governor found the house thus firm, he adjourned the general court to Cambridge; and there again reminded them that much time had been spent, and the public business remained undone. He stated what he thought necessary should be attended to, and requested them to despatch it, that the legislature might be adjourned. The house passed resolutions, expressing their opinion of the arbitrary and unconstitutional conduct of the British ministry, in ordering troops into the province, to awe the proceedings of the legislature, and to compel the people to submit to oppressive taxes. They declared their loyalty to the king, and their determination to submit to his authority; but believed that he had been deceived by misstatements from his agents and officers in the province, who must have known, that the people were seeking only to maintain their rights in a legal and constitutional manner.

A few days after, Governor Bernard informed the general court, that the king had signified his pleasure that he should repair to England and give an account of the state of the province. The house, in their reply to this notice, said they were bound at all times to acquiesce in the directions of the king, and that they cheerfully did so, in the present case, particularly. They hoped he would give a true statement of the province, for they had reason to believe, that he and others had given false accounts of the views and designs of the inhabitants. They were desirous, they said, that all those who had *wickedly* excited the displeasure of the king and his ministers against them, should be removed from all trust among them; and they were satisfied they could answer for themselves and constituents whenever called upon. The governor had urged a grant, both to himself and the lieutenant governor, after his departure; they replied that they should duly guard the money of the people, and make no grant but such as they thought proper; but that they should be always ready to provide for a support for the governor, according to the ability of the people.

In a message, a few days later, the governor called on the house to make provision for the troops in Boston and at the

castle. The house took no notice of the request; and he again desired that they should provide for them, without delay; suggesting that there was an act of parliament requiring it to be done. He further asked the house to build more barracks for the accomodation of the troops. This was probably done to find more matter of complaint against the province; for, no doubt, he expected they would refuse. The answer of the house, to these messages, was as firm and spirited as any communication ever made, by any assembly, to the royal governor. A part of it is given, to show that their resolute spirit was not subdued: "We are surprised, that your excellency had the request of General Gage, and the military commander here, so long before it was made known to us,—and that when one message had been sent us, another 'quickenning demand' so soon followed. It is yet more surprising, that when his majesty, in the late wars, in which this people freely bled with his regular troops, only *requested* our aid, it is now *demanded* in an imperious tone, by the barrack-master, or commander of a regiment. Such an indignity to your excellency's high station would have been an affair between your excellency and the barrack-master, had it not have been laid before us, as an appendage to the message you were pleased to send us.

"We have already declared our sense of the injury done this people by the exertions of a few selfish persons, who have caused the quartering of regular troops among us, in a time of peace. Even in a time of war, the act of parliament only requires provision to be made by a colony for a short time, while they are on their way to their final destination. \* \* \* The whole continent has been sometime distressed with acts of parliament, imposing taxes, for the purpose of raising a revenue, on the people without their consent, or that of their representatives,—and we take leave to say, that we deem all such acts to be for laying a tribute, for the purpose of dissipation among pensioners and placemen. And if the present be continued, it will be difficult to distinguish the case of widows and orphans in America, plundered by infamous informers, from those who suffered under the most oppressive of the Roman governors of provinces. The free representatives of the yet free people of America, are called upon to advance such sums of money, as those may *demand*, over whom they have no control. As the agents of the people we ought to grant only what we think reasonable, and they have ability to pay. Your excellency must excuse us, therefore, in this explicit declaration, *that as we cannot, consistently with our honor or interest, and much less with the duty we owe our constituents, so we never shall*

*make provision, for the purposes in your two last messages mentioned."*

Governor Bernard did not suffer this high-toned message from the house to go unnoticed. He said he considered it as going entirely to deny the supremacy of parliament, and setting up their authority as above that of the parent government: That no representations of his were necessary to show the ministry that his and their authority were at an end in the province; their own declarations being sufficient to establish the fact. The day after this reply of the governor to the house, he prorogued the general court to January. But the house took time to prepare a second petition to the king, for his recall from the province; in which they referred to numerous instances of his arbitrary conduct, and represented him as an enemy to the liberties and welfare of the people. The council was as much dissatisfied with his administration as the house; and it afterwards appeared that some of the British ministry disapproved of his course, and admitted that he had represented the province as requiring an armed force to keep it in order.

On this, as well as on other occasions, the neighboring colonies looked to Massachusetts for direction and example, in the political dispute with the parent state. They considered her as taking the lead in the cause of civil liberty, and as opposing the agents of arbitrary power, for the benefit of all. It was, indeed, a common cause; but from her comparative strength and her past efforts, Massachusetts was observed with peculiar interest. Had her statesmen and patriots faltered, the other parts of the country would have hardly dared to oppose. The friends of liberty, in different colonies, acknowledged the great services of Massachusetts, and often encouraged her by their gratitude and commendation.\*

\* A resolution was reported by the house, in June, 1769, "that no law, made by any authority where the people were not represented, was binding on them." It was altered, afterwards, however, so as to refer to laws imposing taxes, duties, &c.

## CHAPTER XIV.

British troops remain in Boston—General Court adjourned a long time—Statement and Protest of the Citizens of Boston—Massacre in Boston, March, 1770—General Court held in Cambridge—House remonstrate against it—Riot at Gloucester—Ministerial instructions—Gov. Hutchinson's political views—Dispute continued, on holding the General Court out of Boston—Governor's salary paid from England—Courts—Mr. Hancock—Public finances—Samuel Adams—Controversy on salary of Governor and Judges—John Adams—Proceedings of Boston—Their statement and circular.

THE continuance of the British troops in the province was a subject of deep and constant complaint. For there could be no reason given for retaining them, but to compel obedience to severe and oppressive acts of the parent government. None but arbitrary measures would be opposed by so loyal and sober a people. Some of the ministry were opposed to sending or continuing them in the province; and many members of the house of commons condemned it as an impolitic measure. But the majority believed the statements of Governor Bernard, and therefore advised to it; and when requested to withdraw them, chose to try the experiment a little longer. The troops were kept in strict discipline, for some months; and few complaints were made of gross insults offered to the people.\*

There was now another long period without a session of the general court. The king's representative in the province had power, not only to call a meeting of the legislature at such time as he chose, but to prorogue it as long as he saw proper, without their request or consent. This was one of the instances of arbitrary power, in Governor Bernard. It had been usual to have a session in the autumn; but though much pub-

\* Impressments were frequent, at this period, by officers of British ships of war. The lieutenant of the *Rose* frigate, in attempting to impress men from a vessel of Marblehead, was opposed and killed. Four men of the American vessel were tried for murder, and acquitted. Lieutenant Governor Hutchinson, then Chief Justice, was opposed to having a jury, considering it an admiralty case; but the majority of the court were in favor of a jury.

lic business required attention, he adjourned the court to January, and soon after sailed for England.\*

But if the representatives of the province had no opportunity to act, as a body, in maintenance of their rights, the people were vigilant and watchful, in this respect, as far as consistent with law and order. And in no other way, were they disposed to proceed in opposition to the oppressive measures by which they suffered. It was only a very few who advocated riots and mobs. The people were generally deeply sensible of the evils of a standing army in the province, of the British law for raising a revenue, and of the numerous custom-house officers, who had no sympathy for the inhabitants, and who were ready to use the greatest extent of the power with which they were clothed.† Many towns instructed their representatives to make all possible efforts for the removal and redress of these grievances. Boston, the capital of the province, where the citizens were alike intelligent and patriotic, prepared an address to the king, at this time, for the purpose of vindicating the character of the town and province, from the misrepresentations of Governor Bernard, and appealing to the favor and magnanimity of their sovereign. They averred that they sincerely desired a continuance of the union with Great Britain. They explicitly declared, that they considered their *rights* were invaded by the late measures of administration; and protested against acts for raising a revenue in the province without their consent; against a board of commissioners of the customs, the quartering of troops, and the instructions of ministers having the force of law.

At the same time, the merchants, and other citizens of Boston, renewed the agreement for not importing and using British goods.‡ A very few, only, declined subscribing the agreement, two of whom were the sons of the lieutenant governor, who became very unpopular by this refusal. At a very large meet-

\* Governor Bernard was very unpopular in the latter part of his administration. He had advised to the appointment of the counsellors by the king, and to recall all commissions given to improper persons; intending such as were opposed to his arbitrary measures. *Bowdoin, S. Adams, and James Otis, Jr.*, were expressly named. Governor Bernard was so obnoxious, that, in 1767, at the public examination of the schools in Boston, the selectmen declined inviting him.

† In 1769, it was proposed to send to England for trial any persons accused of unjust opposition. This gave great alarm, and called forth the clamors of the people.

‡ Arnold Welles, Edward Davis and Henderson Inches, were the committee to ascertain who violated the agreement. There was a fear that interest might away some to evade it, as well as political views.

ing, the town voted to prevail with all importers of goods, to conform to the agreement; and while assembled, the lieutenant governor sent the sheriff to disperse them, and to forbear all such *unlawful* meetings.\* It was voted, that the sheriff inform the lieutenant governor, that they considered the meeting warranted by the laws of the province; that his message had been received with *due solemnity and deference*; and that it was their determination *to maintain consciences void of just offence towards God, and towards man*.

A partial change was again made in the British ministry, and the duties were removed from some articles, which had been subject to high rates of impost. But the principle was still asserted, by the administration in England, that the parent government had the right to legislate for the colonies; and that the only question with them was, as to the expediency and the extent, in any particular cases. While this principle was advanced, the patriots in the colonies could not be satisfied, nor could they cease to contend against it. Their doctrine was, and with them it was all-important and indispensable, that they had the sole right, derived from nature, their charter, and the spirit of the British constitution, to tax themselves through their representatives. This doctrine, they were resolved never to yield; and, with all their love of order and submission to legal authority, so long as the British government interfered with this principle or claim, they were prepared to struggle; and seemed determined to oppose till their right was fully recognised.†

The great body of the people are more apt to be aroused by specific acts of injustice and oppression, than by the mere assertion of principles, however dangerous and hostile to liberty. The more intelligent and foresighted saw nothing but evil and danger, from a standing army; but after the first moment of alarm was over, on the landing of the troops, and as they were kept for some time, under strict discipline, they were viewed by many with less fear and abhorrence. But in the winter and spring of 1770, the soldiers were permitted to wander more frequently about the streets, and became insolent and menacing in their language. In a few instances, they were

\* They had not applied to him for liberty to hold the meeting; and unless such consent was had, a town meeting for political purposes was deemed unlawful.

† In 1769, an order was obtained of the king, granting an appeal to the council of state in England, from the judgment of the superior court of the province, in an action of ejectment. The general court instructed their agent in England "to prevent such a fatal precedent being established."



rude and indecent in their deportment towards respectable females. The people also, on some occasions, applied abusive epithets to the soldiers, which served to provoke and irritate them. Before the fatal evening of the 5th of March, several disputes and affrays had occurred between the citizens and the soldiers, or officers of the customs. One of the most serious of these took place on the 22d of February, between a notorious spy and informer against the merchants, and a few boys, who had caught the spirit of the times. The boys were carrying paintings of those merchants who still imported English goods. They were met by the informer, who endeavored to persuade a countryman then passing to destroy the paintings. The passenger declined, and he attempted to destroy or deface them himself. A number of the citizens soon collected; and the informer charged some of them with perjury, and threatened to prosecute them. They considered him too insignificant to be noticed. The boys, however, were provoked at having their images broken and mutilated. They followed the man to his house, and assailed him with abusive epithets. As soon as he entered his house, he took up a gun, but the boys were not frightened; and threw snow balls against the house, as the only revenge they could have on him. He fired from a window, and one of the boys was killed by the shot. The excitement which arose on this wanton and most unjustifiable act, was extreme through the whole town and province. The funeral of the deceased lad was attended by an immense concourse of people, a great portion of them highly respectable; and he was considered a martyr to liberty; and a victim of arbitrary power.

The officers of the customs, with their mercenary agents, and the soldiers, were deemed enemies of the people and of liberty, and became more and more the objects of indignation and abhorrence. Some imprudent speeches, and even threats, were made by individuals, whose feelings were too powerful to be entirely restrained. The soldiers, fearing, or affecting to fear, assaults, roamed about in parties, and with large bludgeons; who were far more insolent and menacing, both in language and gestures, than any of the citizens. They seemed to be seeking occasions for attacking the people. They should have been kept in their quarters, or suffered only to go abroad with an officer, who would have felt it his duty to restrain them from all disorderly acts.

On the second and third of March, repeated quarrels took place between some of the soldiers and the laborers at a rope walk. Different accounts were given of the affray, but it ap-

peared probable, that the first overt acts of violence were committed by the soldiers, though the citizens might previously have used ill-language or threats. The soldiers, without arms, made three separate attacks on the workmen, and were every time overpowered, and obliged to flee; though the last time, on Saturday, the third, they were more numerous than before. The soldiers swore revenge; and the citizens were so alarmed by their threats, on the fourth and fifth, that children and females were advised not to be abroad in the evening. At an early hour, several parties of soldiers were observed in the streets, which was unusual, and ought not to have been permitted. The people became apprehensive of some violent movement, and they also in small parties paraded about the streets. There was no proof that the latter had any other purpose than to see what the soldiers would do, or attempt. Between eight and nine o'clock, one of the bells was rung, as indicating fire. Many of the citizens appeared in the streets, but without arms, or any apparent settled plan of disorder or attack. A considerable collection was soon made near the market; and some of them were armed with clubs. There was evidence of great irritation among the citizens; for it was known that the workmen had been attacked at a rope-walk, on Friday and Saturday; and when repelled, that the soldiers threatened vengeance. The people did not distinguish; to every soldier they met they gave abusive language. The sentinel placed near the custom-house, at the corner of State (then King) street and Exchange street, was rudely accosted, and some snow or ice was thrown at him. He called on the main guard for protection, which was stationed near the entrance of Devonshire street. Six men and a sergeant were soon ordered to protect the sentinel, supposed to be in danger. The captain of the company followed, probably with a design to prevent unnecessary violence. As the guard was passing across the street towards the sentinel, the people gathered round, and pressed on them, and some of them threw ice and snow balls at the guard also. The captain seeing the crowd, and fearing, perhaps, that his small guard would be overpowered, ordered them to charge. But the people were not checked, and continued throwing snow and ice at the soldiers: and one of them was struck or thrown down. At this moment, some one cried, "fire;" but it was not certain to have been the captain. The guard immediately discharged their pieces among the people; when three were killed, and two mortally wounded. Some others of the crowd also were slightly wounded.

The lieutenant governor had immediate notice of this tragical affair, and came into the street, and thence to the council chamber. Some of the citizens urged that the troops be ordered to their barracks ; but he declined giving such orders. He addressed the people, however, and advised them to retire, expressing his deep regret at what had taken place. Warrants were made out by the justices of the town, and the captain and the soldiers of the guard were arrested and committed. The next morning the citizens of Boston held a meeting, and sent a committee to the lieutenant governor, who was then holding a council, requesting the removal of the troops from the town. He replied, that he had no authority over them. The people were not satisfied with his reply, and again made the request ; the council also urged him, at least, to express a desire to the military commander that he would remove them. To this he assented, but would give no positive orders. It was therefore left with the officer to decide ; and he consented that one regiment should be removed to the castle. But the people were not satisfied that any should remain in the town ; and voted that it was necessary for the peace and safety of the inhabitants, that all should be withdrawn. The committee, of which Samuel Adams was chairman, again proceeded to the council chamber, and made known the vote of the meeting. He addressed himself to the military commander, as the lieutenant said he had no control of the troops, and said if he could order one regiment, he could also order both, and *that it was at his peril he should refuse*. The officer was astonished at the boldness of the citizen, and Mr. Hutchinson said, "it was a strong expression of that determined spirit which dictated all future measures." Some of the officers were displeased with being thus obliged to leave Boston, at the instance of the populace, as they said ; but, in a few days, the commanding officer prudently consented that the whole of the troops should be stationed at the castle. The officers and men, who were apprehended for firing on the people, had a fair and impartial trial, and were acquitted. The people were much agitated at the time of the transaction ; but they had time for reflection, and a more full and correct account probably satisfied them, that, though the bloody deed could not be justified, the soldiers were first assaulted, on the evening the firing took place ; and that their acquittal was such as the law fully sanctioned.\*

There had now been a long suspension of the legislature.

\* R. T. Paine acted for the government in the absence of the king's attorney ; and J. Adams, and J. Quincy were counsel for the prisoners.

Governor Bernard, by adjourning the court from July to January, had omitted the usual fall meeting. The lieutenant governor ordered it further prorogued to the middle of March, in compliance, as he said, with instructions received from the British ministry; and then directed that the session should be in Cambridge. The house was dissatisfied with the measure; and complained that the will of ministers should be so arbitrarily exerted. It was a grievance, they said, to have the general court so long postponed, and then holden out of the capital of the province. The lieutenant governor pleaded his instructions, and clearly intimated that the instructions were peremptory, and that he had no discretion; but it afterwards appeared, that he was only conditionally instructed, and that if there were good reasons against the court sitting in Cambridge rather than in Boston, he might order it to be convened in the latter place. This conduct argued that want of fairness, necessary to the full confidence of the people in their chief magistrate, without which he could not expect to be very useful. The representatives protested against this arbitrary measure, and declined proceeding to business for several days. It was a great inconvenience to them, they said, to be at a distance from the records of the court; but their chief objection was, that ministerial instructions were allowed to supersede law and the provisions of the charter.\* They addressed the council on the subject, and requested that body to join in urging a return of the court to Boston. The council sent a message to the lieutenant governor, in which they expressed, in strong terms, their objection to the measure, and their sense of the impropriety of the British ministry giving instructions in a case, in which the lieutenant governor could better judge than they. The principal motive for ordering the general court to be holden out of Boston, was that the citizens of that town had great influence with the members; and it was an influence altogether opposed to the arbitrary measures of the British administration, and its agents in the province.

During this session, the lieutenant governor informed the house that a person had been ill-treated at Gloucester; † and

\* The instructions of the British ministers were very alarming to the friends of constitutional liberty in Massachusetts. They saw the danger of having constitutional law superseded by the bare will of a minister, who was liable to be deceived by the statements of interested individuals and office holders. It was from this principle, that they so long opposed holding the general court out of Boston, and spent many weeks in contending with Mr. Hutchinson touching that measure.

† It was said, the man was subjected to the summary punishment of the day, which was *tar and feathers*.

called their special attention to the case. The man had become obnoxious to the inhabitants, on account of the severity with which he treated some merchants supposed to have secreted imported goods. The house replied, that they considered the courts of law able to afford redress to the person who had been injured ; and could not admit that the case was one requiring any special legislation. They also took occasion to refer to the aggravated attack then lately made on the citizens of Boston by armed soldiers, which the lieutenant governor had not even noticed during the session ; they expressed their surprise that he had not spoken of it ; and declared their opinion, "that if there were no arbitrary and oppressive laws to be enforced, there would be no insults offered to individuals, nor any need of a standing army in the province in time of peace." They said they abhorred all riots and disorders ; but they could not answer for the conduct of individuals who were threatened and oppressed, contrary to the laws of the province. During this session, March 1770, Mr. Cushing, the speaker, was absent on account of sickness. Mr. Hancock was chosen in his place, but the lieutenant governor rejected him.

In May, the general court was again ordered by the lieutenant governor, to meet in Cambridge. On the first day, before proceeding to any other business, the house protested against it, as contrary to long usage, as inconvenient, and as against the plain meaning of the charter : and they also declared their apprehensions of an utter annihilation of their rights, if the instructions of ministers were to have the force of law in all cases. A long dispute took place on this subject ; in which much learning and ability were displayed. The house said that the ministry, for unjustifiable purposes, might order the lieutenant governor to hold the court in Lincoln or Berkshire county ; but that it would be both arbitrary and oppressive. They did not deny the prerogative of the crown ; but even this they contended was to be exercised "with discretion, and for good reasons only." But they believed there was no good reason for holding the court out of Boston, and that none had been given ; that the measure, therefore, was altogether arbitrary, and they must protest against it.

This dispute, on the part of the house, was conducted by Samuel Adams, John Adams, Joseph Hawley, John Hancock and others. Mr. Bowdoin was this year chosen into the council, and was not negatived by Mr. Hutchinson, as he had often been by Governor Bernard. John Adams was elected a member of the house for Boston in the place of Mr. Bowdoin. It would have been very unpopular in Hutchinson to have rejected a man

of such weight of character as Bowdoin. He might have withheld his consent from Hancock or Otis with less danger to his popularity.

The controversy about holding the court out of Boston, was continued for nearly two years. The house, and the council repeatedly protested against it, not only because it was inconvenient, but because it was done by order of the lieutenant governor, in conformity to ministerial directions ; and because, by submitting to it, the house would have acknowledged the force and authority of said instructions, as binding in other cases, even in opposition to standing laws and to express provisions of the charter.

Mr. Hutchinson often gave his negative to a part of the gentlemen elected to the council ; but still the majority of the board were firm friends of civil liberty, and opposed to the arbitrary orders and measures of the British ministers, which he was ready to obey and to enforce. He said, indeed, that it was not his intention or wish to make any encroachments on the rights of the people ; but at the same time declared, that he would give up no part of the prerogative of the crown ; by which he meant, no doubt, that he should strictly observe all ministerial instructions. And in the long controversy as to holding the general assembly out of Boston, he said, " that he should consult his majesty's will, touching the time and place of holding the court." And yet the will of the king was but another name for the caprice of ministers, who, in most cases, gave directions as Governor Bernard and Mr. Hutchinson desired and advised. On the one hand, the lieutenant governor was determined to support the dignity and authority of the parent government, and to exercise power by virtue of the royal prerogative ; on the other, the representatives were resolved to maintain charter privileges, and the rights which they possessed, as free-born subjects of Great Britain, and the higher claims derived, as they asserted, from the God of nature.

But for the political disputes between Governor Bernard, for several years, and at this time, between Lieutenant Governor Hutchinson and the general court, there would have been great prosperity and content in the province. There had now been many years of peace ; and agriculture and the fisheries were in a prosperous state. Commerce occupied the attention of a portion of the people ; yet was less profitable than would have been, if there had been fewer restrictions, and the duties not so high. There was not, indeed, the prosperity and profit attending navigation that might have been ; but it was pursued, and afforded some profits to adventurers. But the dispute as to the civil rights and liberties of the people of the province, was

of so much interest, and gave so universal alarm, that a great check was thereby given to the common prosperity and happiness. The people of Massachusetts had always been strongly attached both to civil and religious liberty; and when their rights were invaded, every thing else seemed of little concern to them. They felt for posterity as well as themselves; and were ready to contend, at all times, that freedom might be the inheritance of their children. They may have construed too liberally the clauses of their charter, which granted the powers of maintaining a separate government in the colony; but had they not so construed and so contended, their posterity would have been slaves. If instructions of ministers, and royal letters, and the commands of governors, and military and custom-house officers, had been submitted to, as was urged on them, they would have had no constitution, no rule of equity and justice, and no permanent principles of government.

Mr. Hutchinson was as arbitrary, and as great an advocate for ministerial instructions, as his predecessor had been. He had imbibed a high notion of the royal prerogative, of the directions of ministers, and of the supremacy of parliament. It was clearly his great purpose to support and enforce them to the fullest extent; and to leave to the people only what liberty and power they might enjoy consistently with them. His conduct, as to removing and keeping the general court at Cambridge, contrary to the repeated wishes of both representatives and council, was altogether unjustifiable, and rendered him very unpopular.

In the summer of 1770, the lieutenant governor surrendered the fortress on Castle Island into the hands of the commanding officer of the British troops. It had before been under command and control of the governor of the province. It was, at this time, delivered up to the commander of regular troops, over whom the civil authority and the chief magistrate had no power. The keys of the garrison were given up, in form, by the lieutenant governor. He had before, on the tragical affair of the 5th of March, disclaimed all authority over the troops then in Boston; and now he gave, out of his own power and command, the only fortress in the vicinity of the capital. This was just cause of complaint and alarm. The house of representatives remonstrated against it, as a gross breach of trust, and a most reprehensible disregard of the rights and the safety of the people. But the lieutenant governor pleaded ministerial instructions, and orders from General Gage at New York. It was in character for Mr. Hutchinson to obey such authority. On all occasions, he was entirely subservient to the views of

those who directed the affairs of the British government, and had places of profit and honor to bestow.

A committee was appointed by the house of representatives in November, 1770, to correspond with the agent in England, and with committees in the other colonies, on the state of public affairs. Samuel Adams, John Hancock, and John Adams, were on this committee. It does not appear that they immediately opened a correspondence with the other colonies. The objections made to a circular letter from the general court in 1768, to the other colonies, might have prevented. But they wrote to their agents in England, Benjamin Franklin and Arthur Lee, in very pressing terms. They referred to the late measures of administration, which they considered oppressive and repugnant to their charter rights: and they said they feared the loss of all which was dear in society, unless ministers could be induced to change their policy towards the colonies. Franklin, in reply, said, "that many in England doubted the right of parliament to lay taxes on the people in America: but that the ministers were not willing to admit they had not the right." He was of opinion, they would not insist or practise on the principle in future. But in this he was mistaken. They adhered to it more rigidly till the revolution took place. He admitted, "that Massachusetts had been persecuted and abused by individuals both in the province and in England. The design," he says "was to render you odious, and then deprive you of your rights by violent or arbitrary measures. I hope the colonies will show, by their resolves, that they know their rights, and will not relinquish them. Ministers object to your having agents here, except such as your governor approves. But such agents would be of no benefit to you; they would not be faithful to your rights and interests." He added — "I have given it as my opinion, that if you could be restored to the rights you enjoyed before the measures and policy of administration in 1764, you would be satisfied: and I am glad to find by your letter, that I have expressed your views, in this respect." Mr. Lee had less hopes in the lenity and justice of the British ministry, at that time. After referring to "the firm stand, made by Massachusetts against insidious and oppressive acts of administration, which was applauded by the present, and would secure the gratitude and admiration of future times," he observed, "he had a lively sense of the peculiar oppressions of Massachusetts, and could assure them, that to the utmost of his power he would unite with the other agents in watching over their rights, in seeking for a redress of their grievances, and fixing the great principles of freedom on a per-



manent constitutional basis. But I think America must depend on her own exertions and firmness in securing the object of her wishes. America must work out her own salvation. From the British government, she must expect neither mercy nor justice. The present ministry have designedly adopted such a system of policy, as to render quiet submission to it perfect slavery. They have substituted discretion for law, and set the principles of the constitution afloat on the fluctuating sea of arbitrary will. Not to oppose this pernicious system would be a crime. To oppose it unsuccessfully, would be a misfortune only. If lawless power must prevail, still it behoves us to protest against it; and bear testimony before God and man, that we did not submit, without a struggle, to a humiliating state of bondage."

In one of his letters in May, 1771, Dr. Franklin said, "he saw in the policy of administration, that the seeds were sowing for a total disunion of the two countries. Men are appointed to office and power by the ministry, who will be insolent and rapacious, and who will become odious to the people; and being odious to the people, they will become malicious; and will misrepresent and calumniate them. They will complain and apply to the parent government for more power, and for aid from the military. The oppressions on the people will lead to riots and violences. Greater force and rigor will be necessary to keep the people in subjection. Force will beget force in opposition. War will ensue—and the alternative will be absolute slavery or independence. I am no prophet: but history shows, that by such steps great empires have been divided."

At a session of the legislature, the winter following, the lieutenant governor refused to sign the tax bill, because there was a clause in it, which would render the crown officers of the customs liable to a tax on their income. Their fees amounted to a sum much larger than any office in the province afforded; and it was then the practice to tax those who had large incomes and salaries. Mr. Hutchinson objected to those persons being taxed, as others were, because he was *instructed* to do it. Yet he acknowledged he was surprised in being directed to object to it; which clearly implied that he thought it improper.

In April, 1771, Mr. Hutchinson received a commission to be governor; and he continued to be a zealous advocate for ministerial measures. So devoted was he to the supremacy of parliament, and the instructions of ministers, that he considered all opposition, in the general court, to his will and his requests, as arising from unreasonable insubordination, or a desire to perplex him personally. In May, and at every session during

the year, and most of 1772, the dispute was kept up, as to the general court being held out of Boston. The house insisted, that it was inconvenient and arbitrary; and proceeded to the public business only from necessity. He asserted his authority and right to hold the court, wherever directed by ministers. And, when he had no other reason, he informed them, that he should not hold the court in Boston, till they would acknowledge they had been wrong in objecting to the validity of instructions in all cases; and particularly in ordering the court to be holden where he might think fit.

The temper, as well as the principles, of Governor Hutchinson are fully manifested by his conduct in 1770-1; and served to confirm the fears which his former political course had excited. Yet timid politicians were ready to apologize for his conduct; and to charge the patriots who opposed him, with making unreasonable complaints, and with a captious spirit. They were men, and no doubt some personal feelings were at times indulged by them, in their public proceedings. If Mr. Hutchinson were fully believed, the opposition of the Otises, father and son, of Samuel Adams, Joseph Hawley, and some others, might be attributed to disappointment. Their contemporaries had a far more honorable opinion of them; and had they not been truly patriotic, they would not have been supported as they were by an intelligent people. The spirit of patriotism prevailed through the colonies; and the inhabitants were generally ready to make any sacrifices for the maintenance of their rights and liberties. In Massachusetts they gave up the use of tea; and manufactured cloths in their families to a great extent, instead of importing them from England.\*

At this period, the idea of a political separation and independence was not probably indulged; certainly not generally contemplated. The opposition was to unconstitutional measures on the part of the British administration; to exorbitant and novel claims of authority by ministers in England over the free citizens in the colonies. New claims certainly were set up by administration in England; and such as the people of Massachusetts deemed highly arbitrary. And yet in opposing them, it would be strange if they had not urged their own

\* Besides the persons already named, who were among the leaders in opposing the arbitrary measures of the British ministry, at this critical period, were William Heath, Samuel Danforth, William Phillips, Artemas Ward, Jedediah Foster, James Prescott, Samuel Dexter, James Warren, Robert T. Paine, Timothy Danielson, Jerathmael Bowers, Benjamin Greenleaf, Thomas Gardner, Thomas Saunders, Walter Spooner, Timothy Pickering, David Cobb, and others.

claims to power to an extreme, which would lead to independence. This, they did not publicly acknowledge, till three years later, when they became satisfied, it was the only alternative of avoiding the most degrading submission.\*

It was a just charge repeatedly made against the officers of the crown, in Massachusetts, that they misrepresented the views and conduct of the whigs; and that oppressive and arbitrary measures were adopted in England towards the province, in consequence of such misstatements. This was the origin of sending troops into the province in 1768. The affair of 5th of March, 1770, was also grossly misrepresented; and all the blame laid on the people of Boston, as if they had formed a previous plan to attack the troops and to drive them from the town by force. This statement operated greatly to the prejudice of the province in England. Mr. Bowdoin and others of the council gave a very different, and no doubt a more correct account of that event. Mr. Hutchinson had also joined with Governor Bernard, in 1767 and '68, in representing the people of Massachusetts in such a state of insubordination, that troops were necessary to be stationed in Boston. And in 1770 and '71, his letters described them as wholly opposed to the authority of the king and the parliament, because they objected to ministerial instructions having greater or equal force with law or plain constitutional principles.

It was owing to the statements of Mr. Hutchinson and his political friends, that the British ministry, at this time, ordered a large salary for the governor, the lieutenant governor, and other officers of the crown in the province, independent of any vote of the house of assembly; and directed, that the heavy duties on imported goods, now rigidly exacted, should be applied for that purpose. The house had always made a grant for the support of the governor. But, in order to make him wholly independent of the house, and a more zealous agent of the British government, it was proposed, in 1771, and probably at his request, to provide a salary for him from England. This was new cause of complaint against Governor Hutchinson, by the patriots in Massachusetts, and of a dispute between them till he left the province in 1774. It seems to have been the object of Mr. Hutchinson to have the officers of the crown exercise all power in the province, and

\* Mr. Hutchinson says, "that Samuel Adams declared, in a Boston town-meeting, in 1769, independent we are, and independent we will be." And that Joseph Hawley said, in the general court, about the same time, "that he knew not how parliament could ever have acquired a right to legislate over the colonies."

to be wholly distinct and independent of the legislature. And such a system would have led directly to arbitrary power and to tyranny and oppression in every form. The intelligent men of Massachusetts had a just and correct view of the tendency of such a system; and they resolved to resist and oppose it, at every hazard. They knew, that petty officers, at a distance from their masters, might practise every kind of despotism; and that there was danger of such practices in Massachusetts. It has been so in all past times. The Roman officers in distant provinces were far more oppressive than those were who resided in the capital of the empire. In an extensive government, whether monarchical or republican, it will always be the case: men clothed with a little brief authority will oppress the people, and exercise power beyond the design of their office.

Governor Hutchinson took advantage of some misunderstanding between Mr. Hancock and Mr. Samuel Adams, to court the former, and to attempt gaining him to support the administration. But Mr. Hancock declined the proposal. Whether he was wavering at all in his political course, does not appear; the reason he offered for giving up public business for the time, was the necessity of attending to his private affairs. Not long after, at the session in March 1772, Mr. Hancock, being chosen speaker of the house (*pro tem.*) was approved by the governor. At the same time, Mr. Hancock and some others proposed to request the governor to remove the court to Boston, for the reason that it was *inconvenient* to hold it in any other place. Mr. Adams and Mr. Bowdoin were opposed to requesting it for that reason alone; and insisted, that it should be objected to holding it out of Boston merely by virtue of ministerial instructions. But Governor Hutchinson did not find Mr. Hancock sufficiently pliable. At the election, in May 1772, when he was chosen counsellor, the governor again rejected him.

When the usual proclamation for a public thanksgiving was issued in the fall of 1771, the people of Boston prevailed on the clergy of the town, and of some places in the country, to omit reading it. Their objection to it was, "that it called on the people to give thanks for the continuance of their civil and religious liberties." They said, "it was not true; and that it would be acknowledging their political rights remained unimpaired, which all knew not to be the case. Their rights were denied and violated, and it would be mockery to thank heaven for their continuance." The people must have been sadly oppressed, or given to idle apprehensions, when they resorted to language and conduct like this.

The finances of Massachusetts, at this time, were in a favorable condition. The public funds, arising from the sale of lands, and debts due the province, were such as to render a tax unnecessary. The debt, incurred by the wars of 1755—1762, had been paid. There was no excise, and impost duties were less onerous than formerly. From some articles the duties had been removed; and on molasses and teas, much reduced. These articles were imported into the province, in very large quantities. The first was chiefly manufactured into rum; and more tea was used in Massachusetts than in all the other colonies. Navigation and the fisheries continued in a prosperous state. Still the claims of the British ministry, composed of men of arbitrary principles, were such as to spread discontent and alarm through the province. There were indeed some men of liberal political views in parliament; but they were a small minority. Some changes had been made in the administration, but tory principles prevailed; and the policy of ministers was, to keep the colonies in entire subordination. And as Massachusetts had been most forward and most decided in opposition to the claims of administration, the chief object was to keep the province in what was called due subjection.

There were in the province, at this period, two parties of somewhat similar political opinions and views with those in England. But however oppressive government may be, it is not strictly correct, perhaps, to call its friends and supporters a party. With very few exceptions, it was true in Massachusetts, at this period, that the measures of the British government were advocated only by officers of the crown; by the governor, the lieutenant governor, by the officers of the customs, and their family connexions. They failed not to represent the opposers of administration as ambitious, selfish, and factious. All discontents among the people were attributed to artful and disappointed individuals; and the government was declared to be just and mild. But the great body of the people knew and saw enough to perceive that their oppressions were real, and their rulers were arbitrary, without trusting to any exaggerated statements. Principles were advanced and measures adopted by the administration which the people believed struck at the foundation of civil liberty and threatened to destroy every vestige of political freedom. It was not a speculative pursuit; it was not a controversy of words as to an abstract theory. A system was avowed and commenced, which must soon issue in depriving them of all the attributes of self-government, and subjecting them wholly to the caprice and

cupidity of individuals, whose wealth and power would be in exact proportion to the degradation and sufferings of the people.

Samuel Adams was so firm and decided, yet so discreet in his opposition to the measures of the British ministry, and to the conduct of Governor Hutchinson, that it was important to the friends of administration to destroy his influence with the people. No one had a stronger hold on their confidence. He was not to be bribed or flattered. No offers were made to him of office or favor. His character was too well known to lead to such an effort. But there was an attempt to leave him out of the house, by preventing his election from Boston, in 1772. He did not stand alone, indeed, against the venal supporters of administration. Many others, as before mentioned, were able, decided, and unwavering. Yet he was particularly obnoxious to ministerial agents; and was considered by them to be one of their ablest opponents. But his popularity was too firmly rooted to be shaken. In 720 votes cast, at the election, he received more than 500. And when it was known, that he had the particular censure of the officers of government, the people rallied more strongly in his favor. They believed he sought nothing from the government, that he was the friend of constitutional law and order; that he was fixed and immovable in purpose, and that his conduct was based on religious principles.\*

In June, 1772, the governor directed, or consented, that the general court should be held in Boston. It had been convened by his orders, in conformity to ministerial instructions, subject however to his judgment of the propriety of the measure, for more than two years at Cambridge. The house and council, by very large majorities, opposed and remonstrated against it, as inconvenient and arbitrary. Nor did the governor ever give any "good reasons" for it. It was a mere exercise of power, without just cause; and therefore it was censured; and it was considered, as one among many other instances of a plan in England to govern the colonies at pleasure, and not according to constitutional principles. The friends of the governor disapproved of his conduct in this affair. He pleaded his instructions; and yet these instructions left it to him to decide. He was offended that the house complained of his conduct as arbitrary; and he yielded at last, by the strong and unanimous advice of the council: but afterwards said, with much truth and candor, "that if the desire of the general

\* Mr. Hutchinson says, the attack on Mr Adams failed; and that it only served to unite the opposition more closely in vigorous exertions.

court had been immediately complied with, in this respect, it would have been with a better grace."\*

No sooner was the dispute closed, in which the governor and the general court had long been engaged, touching the right and propriety of the former to direct the meetings of the latter, to be in any place other than Boston, the capital of the province, where it had been always held, except for special and necessary cause, and where the public records were deposited; when another subject of interest presented, which served to keep alive a spirit of opposition and hostility between the representative of the king and the representatives of the people in the province. This was, whether the governor and the judges of the superior court should receive their salaries from England, or from the people in the colony, in such manner and to such amount as their representatives might order. It was first determined by ministers to allow only the governor's salary; but it was soon after agreed by them to pay the judges also from the public treasury in England; or from the proceeds of duties collected in the province, by virtue of the laws of parliament, and by custom-house officers of their appointment. It was to be done entirely independent of the government of the province. And the effect would be to render the governor and judges indifferent to the approbation and censures of the representatives of the people. If the governor had been chosen by the people, and the judges appointed during good behavior, it would have been proper, that they should have fixed and permanent salaries while in office. But it was contended, by the house of representatives, that as the governor received his appointment from the king, and the judges were put into office by his nomination, and removable only by the pleasure of ministers in England, the only security or inducement for their fidelity to the province, was to depend on the general court for their support; and such had been the immemorial usage. The effect of this new measure could not fail to be, a less regard for the favor and good will of the province, in the judges and governor, and their greater subserviency to the views of administration in England. No one denied that such would probably be the effect: nor was it doubted, that the suggestion, for such a measure, originated with the officers of the crown in the province.

The house desired to know of the governor, if such was the order of the ministry, and asked for a copy of the instructions on the subject; as he had already declined signing a bill,

\* These are his own words, Vol. III. page 357.

providing for these salaries, in the usual form. He replied, that it was his majesty's will he should receive his support in future from the treasury of England, and not depend for it on the general assembly of the province. They objected to this mode of his receiving a support, as contrary to the spirit of the charter, to invariable usage, and as of dangerous tendency. He replied, that it was the pleasure of the king, his master, as signified by his ministers, he should receive his salary immediately from the crown, and not depend on the general court for it; and that the king had a perfect right to decide in what way he and his other servants should be supported. He went into a long argument to show that the charter was in no sense or measure a contract between the king and the province, so that they could claim any thing of right; but that all was a grant of mere grace and favor from the royal goodness; and subject therefore to his pleasure. It was sufficient for him, that the king had now ordered that he and the judges should receive their support; and therefore he could approve of no bill granting him a salary by the general court, without the royal approbation and consent.

This plan gave uneasiness to the people, who considered it as a part of a system, gradually and insidiously to be introduced, to render all the officers of the crown, including the judges of the courts, who had all power in their hands, and could prevent any laws and decisions they might choose, independent of the people, separating their interest, which had been heretofore identified, and could not be disunited without danger to civil liberty; the very fundamental and essential principle of republican freedom, being a union and identity of interests of the people and their public agents. The several messages to the governor on this subject from the house, were prepared by Major Hawley, Samuel Adams, J. Hancock, W. Heath, and J. Warren; and J. Adams, though not of the house, at the time, engaged in the controversy, and wrote in the public papers with great learning and ability. He showed, that the judges did not in fact hold their offices during good behavior; that they ought to hold them by that tenure, being appointed by virtue of a law of the province, agreeably to the charter; yet, that as they were not removable by any authority in the province, but liable at any time to be removed by the will and pleasure of the king, they would probably be retained in office so long as their conduct should be agreeable to the British government; and if they received their support from the crown, they might become unduly subservient to the views of the ministry in England, and destitute of a due respect for the laws of the



province or the rights of the people. These papers were as popular as they were able ; and, with other writings, which appeared within two years after, under the signature of Novanglus, and the essays on canon and feudal law, justly gave the author great celebrity. The governor viewed them with a different spirit. The next election, when Mr. Adams was returned to the council by the house, he was rejected, with some others, who were among the most respectable characters in the province.

At the session of the general court in June, 1772, when the governor declined receiving his salary from the province, and attempted to justify receiving it from the British government, he requested that the province-house, so called, in Boston, which had often been the residence of the chief magistrate, might be repaired, and made fit for the reception of his family. The court replied, that the building was intended for the governor of the province who had heretofore received his support by order of the general court ; but as he chose to be supported by the British government, and declined a salary offered by the province, they did not feel obliged to be at any expense for his accommodation.

The subject of the governor's and the judges' salary was taken up by the citizens of Boston in the fall of 1772 ; and they held a town meeting, to consider what measures were proper to be adopted. They sent a committee to the governor to learn what had been done by the ministry in England, particularly as to the salaries of the judges. He gave them no answer. They desired the general court might be called together ; but he said he should not do it. A committee was then appointed to report on " the rights of the province, as men, as christians, and as subjects of the British empire ;" and also to correspond with other towns in the province. At a future meeting, a report was made, and accepted with perfect unanimity ; and ordered to be circulated in all parts of the country. James Otis and Samuel Adams were of the committee\* chosen to make the report ; and it went fully into the inquiry of the authority of the British parliament over the people in the colo-

\* Mr. Hutchinson says, " the materials of the report were prepared for them in England, by *their great director*, whose advice they followed, and in whose wisdom they had implicit faith." Who he intended does not appear ; but it was, probably, Dr. Franklin, who was then their agent in England, and with whom they corresponded. But such men as Otis and Adams needed not and would not apply to any one for materials to prepare a report on public and political affairs.

nies, and of their civil rights, which had been long agitated with so much zeal and ability.

In this report, they referred to their natural and unalienable rights, as men, for which they were indebted to none but their Creator, and with which no government or prince might interfere, except by consent or contract. As British subjects, or as Englishmen, they claimed equal rights with their brethren in England, who were represented in the British parliament, and contended for a legislative assembly in the province, to make laws and lay taxes. And they added, that the christian religion gave its sanction to their views of civil liberty, and justified the authority which their fathers had always exercised. They then referred to their grievances, and to the various instances in which their rights had been infringed. In their circular letters to the other towns in the province, they expressed their fears "that a system of despotism and oppression was preparing, which, unless soon and vigorously opposed, would seal their political degradation and ruin forever." "They should deeply regret," they said, "if there was not a spirit still existing, such as animated their ancestors, which induced them, in face of every difficulty and danger, to forsake their native country, and make a settlement *on bare creation*. *They were not afraid of poverty, but they disdained slavery.*" Most towns in the province replied to this address, and manifested an ardent attachment to civil liberty, and a correct knowledge of their rights. Efforts were made by the friends of the governor to prevent the meeting of the towns on this occasion. They wished to put down the spirit which was awakened, and to be able to say, that only a few approved of the measure. But the attempt was in vain.

The great question at issue between the agents and officers of the crown, and the people in the colonies, was never more deeply interesting than at this period. On the doctrines advanced, of the authority of the British parliament in America, and of the right of ministers to issue instructions which had the force of law, encroachments had been making on the rights and liberties of the province, and it was seen to be necessary to make a stand against them. They were not prepared for, nor did many then meditate, independence; but one spirit animated them to oppose arbitrary power, and to maintain their rights. To do this in a constitutional way, by remonstrances and appeals, and petitions, was the universal purpose. But these had produced no good effects, and had not prevented the advance of claims, which they deemed intolerable. To resort to

arms, was not their plan — and to act the part of rebels, was most abhorrent to their principles and habits. They had acted under a high sense of their duty as christians. They would not employ unlawful means to accomplish even a good end. They would act under the shield of the British constitution, and of their charter; and appeal to them for a sanction of all their measures.

## CHAPTER XV.

Governor Hutchinson's opinion and speech on the supremacy of Parliament — Opinion of General Court, and dispute with governor on the subject — Governor's letters published, and added to his unpopularity — He is called to England by the King — Correspondence of General Court with Virginia — Tea imported and destroyed — Dispute about salaries of the Judges — Declaration of Ministers and others in England — The Charter altered, and the rights of the province infringed — Boston Port Bill — Jurors refuse to take the oath and to act — Governor Hutchinson sails for England — General Gage succeeds — Negatives several Counsellors — Adjourns the General Court to Salem — Delegates chosen for a Continental Congress — Governor Gage dissolves the Court — Military Companies.

WHILE the people of Massachusetts were the more confirmed in their opinion of their rights, and were resolved to oppose what they considered arbitrary power, the governor was equally determined to support the supreme authority of the parent state over the province, and to insist on subjection to all the measures of the British ministry. He had already contended for the absolute supremacy of parliament, and the prerogatives of the crown, with great ability and firmness. And he seems to have resolved to make one effort more to convince the representatives that they had taken untenable ground, and must yield the contest to him, or hazard the chance of an appeal to arms. In January, 1773, at the opening of the session, when there had been an unusually long period without a meeting of the general court, he delivered an elaborate speech, on the absolute supremacy of parliament, and on the duty of acquiescence and submission in the colonies. His object was to show, that they ought to obey, without hesitation or inquiry, whatever laws or directions were given in England, or that their opposition must be considered rebellion, and treated accordingly. He had evidently bestowed great labor on the speech. It was plausible in its statement, and gave proof of much research. To this important communication, both the council and the

house replied; but not till after an unusual time; the answer of the council being nineteen days after, and that of the house twenty.\* The deep interest of the question at issue, and the responsibility they felt as to consequences, probably induced them not to reply but with great consideration and caution. There was, in truth, no *new* argument adduced by the governor, for the supremacy of parliament, in the sense for which he contended; nor in the reply of the council or house, for an exemption from such authority. But the governor attempted to reduce the general court to the dilemma of admitting the supreme authority of parliament over the colonies, in all cases, and to any extent; or of intending and aiming at an entire independence of the British government. The reply was, "that if such were the alternative, then the colonists were mere slaves of the ministry and of parliament, or were totally independent; and that they did not contend for, nor should admit either. Notwithstanding the terrors and evils your excellency has pictured to us, as the effects of independence," they said, "there is more reason to dread the consequences of absolute, uncontrolled power, whether of a monarch or a nation, than those of total independence. If your excellency expects to have a line drawn by us, between the supreme authority of parliament and the total independence of the colonies, we should say, it would be an arduous undertaking, and of the highest importance to all the colonies; and therefore if we could conceive of such a line, we should be unwilling to attempt to draw it, without their consent in a congress. We cannot but express our concern, that your excellency has reduced us to the unhappy alternative either of acquiescing in your sentiments, or of freely discussing this subject. With all the deference due to parliament, we are humbly of opinion, that, as all human authority is, and ought to be, limited, it *cannot constitutionally extend its power to the levying of taxes in any form, on the people of this province.*"

The governor rejoined, by a long and labored speech, and the council and house again replied to him. Their replies were separate, but agreed in substance and in principle; and both

\* Mr. Hutchinson was, undoubtedly, mistaken here (as before, in attributing the materials of "The Rights of the Colonies" to some one in England) when he gives the credit of this answer of the house to a gentleman of Maryland, to whom, he says, they applied for assistance, "as they were unable to refute his arguments." It is enough, in Massachusetts, to state who were the committee to answer his speech, viz: Samuel Adams, John Hancock, Joseph Hawley, Jedediah Foster, and William Phillips; and the committee of the council were Mr. Bowdoin, Harrison Gray, J. Otis, senior, and Stephen Hall.

contended, that, apart from natural rights, their charter declared "they were to be governed by laws made by themselves, and by officers chosen by themselves; that to this privilege and right they were also entitled as Englishmen; and that it was therefore an unjust usurpation in the British government to legislate for them, to impose taxes on them, and appoint officers to administer and enforce such laws within the province." They concluded by saying, "if the doctrine we oppose be true, then are the lands, property, liberties, and lives of the people in this province subject to the crown and a legislative body, in which they are not represented and have no voice. We have, indeed, a constitution, or charter, but your excellency has explained it to be a mere phantom, to be limited, controlled, superseded, and nullified, at the will of another. And is this the constitution which so charmed our ancestors, that they kept a day of thanksgiving for it? Were they men of so little discernment, *such children in understanding*, as to please themselves with the imagination, that they were blest with the same rights and liberties which their brethren in England enjoyed; when, at the same time, they had consented to be ruled by a legislature, a thousand leagues distant, which could not be supposed to be acquainted with their circumstances and wants, and in which they were not in any sense represented?" \*

The views of the governor, respecting the legislative authority of parliament within the colonies, which went to the entire subjection of the people to a government in which they were not represented, served to render him very obnoxious to the friends of civil liberty. He had volunteered his services as an advocate of the claims of the British administration to interfere and direct in all the concerns of the province, so as to leave no power whatever to the people, which might not be controlled and nullified. At the session in June, new matter was furnished, to place him in a most unfavorable attitude. Several of his letters were produced, written in 1768, and subsequently, to some friends of government in England, in which he had represented the people in Massachusetts to be in such a state of opposition to the British administration, and the executive so

\* Mr. Hutchinson says, "the style of the council and house, in this controversy, was correct, the reasoning plausible, and the facts so represented as to give a favorable appearance to a system which was delusive." He says also, "that some friends of the government in England doubted the policy of his introducing the subject, without having directions to do it." It was believed that the ministry did not approve of this conduct of the governor. For a full view of this most interesting dispute, see Massachusetts State Papers.

feeble, that a military force would be necessary to maintain the laws; that the counsellors ought to be appointed by the king; and that a revenue might well be raised in the province from duties on trade and commerce. The publication of these letters caused a great excitement in the minds of the people. The governor was exceedingly sensitive on the occasion: and endeavored to shift the disgrace from himself on those who had published his private letters. These letters not only disclosed his subserviency to the British administration; but his duplicity, and his low estimation of the rights and liberties of the people. In these letters, and in his speeches in January preceding, mentioned above, Mr. Hutchinson avowed opinions quite at variance with declarations made by him in 1764, when the dispute began, touching the right of parliament to impose taxes and legislate for the colonies. Though even then preferring rather to speak of the *privilege* than the *right* of laying taxes by the colonial assemblies, to the exclusion of the legislation of the British parliament, yet he said "the people of Massachusetts had always exercised the power, and thought they only had the right to tax themselves." \*

The political principles and conduct of Governor Hutchinson were so fully understood, and so generally reprobated, at this time, that a resolution was formed by the general court to have him removed from his high station in the province. It was true, indeed, that his sentiments were agreeable to the British ministry, and his conduct in the chair, in most cases approved, though some members of the government in England more than intimated, that he had pressed the doctrine of the legislative authority of parliament in the colonies farther than was prudent and expedient. And some of the ministry were inclined to adopt more mild and healing measures. The petition from Massachusetts for the removal of Governor Hutchinson, was not sustained by sufficient proofs or reasons, and was therefore dismissed. Soon after, however, the king was pleased to direct him to repair to England; but it does not appear whether to learn from him more fully the state of the province, or to remove him from a station where he was unpopular. The governor probably requested leave to go to England. In a letter to the British ministry from the general court, they refer to the dispute with the governor, as to the

\* The council also passed resolutions condemning the letters of Mr. Hutchinson, as highly improper and injurious to the province, as well as inconsistent with his character and station. The committee who prepared the resolutions of the council were Mr. Bowdoin, Mr. Sever, Professor Winthrop, and Mr. Dexter.

rights of the legislature in the province, and the authority of parliament over it. They were apprehensive the governor would give an unfavorable statement of their views on the subject.\* They said, "they regretted that the subject had been agitated; but that the governor forced it on them, and they could not acquiesce in his opinions." They declared however, that they aimed not at independence.

At the beginning of the session, in May, (1773,)† the house of representatives chose a large committee to correspond with committees of the other colonies, on political subjects, which had then some time so deeply engaged the public mind. In 1768, a circular letter was addressed to the other colonies, which led to no very important results, except that it might have awakened or strengthened a common feeling in the cause of liberty, which was dear to them all. In 1770, a committee had been appointed by the house of assembly to correspond with other colonial assemblies; but no important measure of united effort followed in opposition to British policy. At this time, a letter had been received from the house of assembly of Virginia, proposing a correspondence between the two colonies, which were the most populous in British America. The vote in the house of Massachusetts was to open a correspondence with all the colonies. And this measure, as was intended, led to a good understanding, and to a concert of action, between different parts of the country, and hastened that highly important event, a congress of delegates from all the colonies, which was held at Philadelphia, in September, 1774. The tendency of this correspondence was soon perceived by the British ministry; and Governor Hutchinson was instructed to signify to the general court that they had incurred his majesty's displeasure by such a measure.

The spirit which animated the representatives of Massachusetts, at this period, may be seen in their reply to the governor, who, in his displeasure at their publishing his letters and passing resolves on the evils they might produce in England, admonished them, (June 1773) that they had been a long

\* The citizens of Boston, in May, 1773, voted, that if the governor should invite the commissioners of the revenue to dine with him at Faneuil Hall, they would not permit him to use it. The governor resented this conduct, and provided another place for the public dinner, and invited the commissioners.

† In May, 1773, at the election of members of the council, Governor Hutchinson gave his negative to three: John Adams, William Phillips, and Jerathmeel Bowers; but consented to John Hancock, John Winthrop, and three others. "who, (he said) were of the same sentiments with the others; yet had they been rejected also, there would not have been a quorum."



time together and had attended to little public business which was necessary to be done. They said, "that if they had not passed and published the resolves on his letters, they should have betrayed a total want of regard for the honor and reputation of the province and the true interests of their constituents. If it were considered that those letters contained matters of an extraordinary and alarming nature, we should not be reminded, that we are in the fourth week of the session, and that little of the common business had been accomplished.\* *We are answerable to none but our constituents, for the time we spend in attending to the public business, which they have chosen us to transact: and we are fully of the opinion, that we are the only judges of the time which is proper or necessary for us to take in deliberating and determining on all matters which may justly come under our consideration.*"

In the fall of 1773, large quantities of tea were imported into Boston from England, by merchants engaged in the East India trade, but by consent and approbation of the ministry, who were desirous, perhaps, of putting the temper of the people to another trial. The colonies, especially Massachusetts, had afforded a great market for the sale of this article. A drawback was allowed in England on all which was exported, which was another inducement to send it to America. The people of Boston had early notice of the intended shipment: and a meeting was held, when the agreement not to purchase or use tea was revived, and it was further determined that it should not be landed. The consignees were desired not to receive it, nor allow it to be taken from the ships. They declined making any such promise. A second meeting was called, when it was voted, "that the duty on tea was a tax on the people, imposed without their consent; and that sending the article into the province, in this manner, was an attempt

\* June, 1773, when the letters were written by the house of Massachusetts to the other colonies, advising to united efforts, Governor Hutchinson said, "they were highly improper, and a *glaring* attempt to alter the constitution of the colonies. . . . that it was an act which should have been considered an avowal of independence, and could be justified only on the principle of independence." He expressed the opinion, that government in England ought then to have taken prompt and energetic measures. When the governor expressed his disapprobation of these letters, the house said, "that as he corresponded with the ministry in England, for the purpose of concert and strength to control and oppress the people, they considered it proper to consult with the friends of liberty through the colonies." The governor was irritated, and said, "this was low and vulgar abuse, and far beneath the dignity of the house." Soon after, when the house complained, because he would not act on their impeachment of Judge Oliver, nor permit the subject to be laid before the council, he charged them "with exhibiting strong marks of envy, malignity, and a revengeful spirit."

to enforce the plan of the ministry to raise a revenue; and was, therefore, a direct attack on the liberties of the people; and that whoever should receive or vend the tea, would prove himself an enemy to the country." A committee of the town was again directed to wait on the consignees, with a request that they would have no concern with the cargoes when they arrived. They returned an evasive answer, which the town declared to be unsatisfactory and affrontive.

When the tea arrived, another meeting of the people was held in Boston, attended also by the inhabitants of other towns, some of them at the distance of twenty miles. There was an unusual excitement. It was said, "that the hour of ruin, or of manly opposition had come." The word went forth, "for all who were friends of the country to make a united resistance to this last and worst measure of administration." At this very populous meeting, it was voted, "to use all lawful efforts to prevent the landing of the tea, and to have it returned to England." The consignees became alarmed, and promised to advise, that it should be sent back. But this was not sufficiently decisive to satisfy the people. And the meeting was adjourned for several hours, to give the owners or the factor time to decide. These protested against the proceedings of the town: but the town forbid the landing, and even the entering of the tea at the custom-house, at the peril of the owners. They, however, ordered a watch of twenty-five men, for the security of the vessels and cargoes; for they probably feared that there would be a mob, and wished to prevent it.

In the meantime, application was made to the governor to order clearances for the vessels, that they might return; but he declined, saying that it belonged to the officers of the customs to decide in such cases. He had already called on the council for advice, as to a guard to prevent riots, and to protect the merchants in landing the teas—who had refused to interfere in the affair, as the civil magistrate was competent to order it.

On the following day, the citizens again assembled, to learn the decision of the factors of the vessels and cargoes, whether they would order them back forthwith, or not, when the sheriff appeared with a proclamation from the governor, which declared the meeting unlawful, and ordered the people to disperse. But a vote passed unanimously, that they would not separate, as the meeting was regular, and their object important. Some of the agents of the English merchants who had sent over the tea, sent word to the meeting, that they must decline giving orders for the return of the ships with their

cargoes; but that they would consent that it should be stored till they could hear from England.

The people continued in a highly excited state, the conduct of the factors and consignees having given them no satisfaction. They again resolved, that they would prevent the landing of the tea, at every hazard. And they requested the assistance of their fellow-citizens from the country towns, on due notice to be given, if the exigency should require it. A portion of the people were fully sensible of the effect of any violent proceedings. They could not but expect the power of England would be exerted to reduce the province to submission. And they warned the more zealous and ardent, to reflect on the consequences of the measures they might pursue, and to do nothing which could not be justified, or which they should be ashamed or afraid to defend, at a future day.\*

When it became evident that the owners and factors of the cargoes would not comply with the requests of the people, nor the governor, nor the officers of the customs interfere as intreated, a number of men in disguise, as the meeting broke up at the approach of night, proceeded to the vessels, and soon threw all the tea into the dock. No damage was done or offered to any other property; and but few of the inhabitants were apprised of what was intended and executed, except those personally engaged in the enterprise, who were about fifty. The people through the province approved of the spirited conduct of the Bostonians, and declared their readiness to support them, in opposition to all unjust and oppressive measures of the British ministry. And the opinion was increasing, "that if they would maintain their rights and liberties, they must fight for them."†

During the winter session of 1774, the general court was chiefly engaged on the subject of the judges' salaries. Provision was made in England for their support, for the purpose of rendering them wholly independent of the colonial government. This was a matter of great complaint, as it was believed they would become too much under the influence of the British ministry. The house requested the judges to decline receiving their salary from England. Three of them declared their readiness to receive it from the province, as they had done. But Mr. Oliver, the chief justice, said "he dare not decline receiving it from England, without leave first obtained

\* Josiah Quincy, Jr. addressed the people, on this occasion, and in this strain, with great effect.

† This was the public declaration of Joseph Hawley, of Northampton, and one of the leading members of the house of assembly.

of the king." It was then voted, "that, by this conduct, he had become obnoxious to the good people of the province, and had rendered himself unfit to hold the office of a justice of the court." The house then remonstrated to the governor and council, against the conduct of the chief justice, and prayed for his removal from office. The governor refused to consult the council on the subject, on the plea, that it belonged to the king alone to remove him. The house then addressed the council on the subject, and the council requested the governor to have it considered by the board. But the governor took no notice of the application. The house, therefore, resolved, by a vote ninety-six to nine, to impeach the chief justice of high crimes and misdemeanors; and both the house and council passed a resolution for the adjournment of the court to a distant day. The governor still declined acting on the subject; and the council could not with propriety proceed without him, while he was in the province.

It was reported that the British ministry proposed to appoint *Mr. Pownall* again to the chair, in Massachusetts, who would probably conciliate the people; but a majority of administration were in favor of decided measures, and of compelling the province to submission. The Premier (Lord North) declared "that he would never listen to petitions or complaints from the colonies, till they were at his feet." But several members of parliament declared the conduct of the ministers both arbitrary and impolitic. Mr. Burke said, "it was only unjust and oppressive laws, that the people in Massachusetts had opposed; and that great constitutional principles were not to be settled by the sword." Mr. Pownall predicted, "that the people would resist, and were prepared to resist, all attempts to coerce them; and if there should be a rebellion in Massachusetts, the question would be, who caused it?"\* Mr. Pitt, and Mr. Barre, also advocated the cause of the colonies, and insisted that it was owing to unconstitutional measures of the ministry, that any disorders had taken place.

In June, 1774, Mr. Hutchinson left the province and sailed for England.† General Gage, who had been several years

\* Dr. Franklin had said before, when questioned by the ministry, "that there was no plan of rebellion in the colonies, but if troops were stationed there, they would soon produce one."

† The following remarks, respecting the character of Mr. Hutchinson, in the *Boston Gazette*, were attributed, by Dr. Eliot, to Hon. John Adams. "It is true, that Mr. Hutchinson was amiable, and exemplary in some respects, and very unamiable in others; otherwise he could not have retained so much popularity, nor made so pernicious a use of it. In several important offices, his conduct was upright and faithful, where his political

commander-in-chief of the British troops in America, was appointed his successor, as governor of Massachusetts, and arrived in Boston a short time before the departure of Mr. Hutchinson. It was a critical period; and it required much political experience, and great moderation and prudence, as well as decision, in one placed at the head of the province. The people had been much oppressed and much abused by men who sought less the public welfare than their own personal honor or emolument; or who, at least, sought rather to please their superiors than to maintain the liberty and peace of their fellow-citizens. It may be doubted, indeed, whether a character very mild and conciliating, who might have been chief magistrate, at that time of jealousy and discontent, could have quieted the people and pleased the British ministry. General Gage certainly was not the character for such a purpose. Nor is it, on the other hand, any more than a matter of conjecture, that he was appointed, because he was a military man, and would not hesitate to enforce his orders by the aid of the sword.

The conduct of Governor Bernard and Governor Hutchinson, indicated their belief, that the legislature of Massachusetts must act at all times in entire subserviency to the administration in England; that the general assembly of the province could only legislate so far as permitted, or not prohibited by the parent government; and that whenever the latter, or its agents, disapproved, or interposed, or otherwise directed, the general court must yield and obey. Hence their complaints of the obstinacy, or opposition and insubordination of the representatives of Massachusetts. Hence their representations, of the want of due submission in the general assembly, and in the council; and of the weakness of the officers of the crown. They therefore had advised to sending regular troops into the province, to awe the people, and to nerve the arm of govern-

object was not affected; but he bent every thing to that. Had he continued steadfast to those principles, which he early professed, and which had secured him the confidence of the people, he would have lived and died respected and beloved, and done honor to his native country. But, by renouncing those principles, which had made him and his ancestors respectable, his character is now considered by all Americans, and the best men in England, as one who in all his actions, aimed at making himself great, at the expense of the liberties of his country. He was so open to flattery, that they were sure of his friendship who employed it. And he was very credulous in every thing which favored his own plans, and very incredulous of every thing which made against him. His abilities and learning were above the ordinary standard; but were greatly exaggerated by his interested favorites. He was industrious, and had acquired much knowledge of history and politics; but he did not fully understand or appreciate the character of the people of New England."

ment.\* They had persuaded ministers to make the officers of the crown wholly independent of the province. And at their instance, it was determined to have a council, one branch of the legislature and the advisers of the governor, appointed by the king, instead of being elected by the representatives of the people, as they had hitherto been. The council were not sufficiently pliable to satisfy Governor Hutchinson or Governor Bernard. It could not be truly said, of such men as Bowdoin, the Adamses, Dexter, Hancock, Winthrop, Prescott, Sever, Phillips, and Ward, that they were *factionous*; but they were firm advocates for the liberties of the people, and therefore not the men to give satisfaction to the agents of the British ministry, who at that period were actuated by high tory principles, very little less unfavorable to political freedom than those which governed the administration of the Stuarts.

But the principles avowed by the more discreet of the opposition in Massachusetts, and the disposition manifested by the common people to proceed to violence against the measures of the ministry, (as in the destruction of the tea,) led to more decided conduct in the British government. In addition to the appointment of counsellors by the king, the charter was so far changed, as that the governor was to have the sole power of appointing civil and judicial officers, and that jurors should be returned by the sheriffs, instead of being drawn by lot, by the selectmen. An act of parliament was also passed, in March, 1774, declaring Boston in a state of blockade after the 1st of June, and shutting the port against all commerce and navigation. These measures were highly obnoxious to the people, both in principle and effect. The intelligence of these acts of the British government was received in May, and before the sitting of the general court. The citizens of Boston assembled on the occasion; and it was voted to recommend to the other colonies to refuse all commercial intercourse with England. A messenger was sent to Philadelphia, to communicate the vote, who was received with great enthusiasm, and thence another was sent to Maryland and Virginia, to give information of the plan proposed in Boston. The inhabitants of Marblehead, Salem, and Newburyport passed resolutions for the accommodation and relief of their fellow-citizens in the capital. Another meeting was held in Boston, in June, when a vote was

\* Governor Hutchinson, in 1773, "agreed on a new organization and settlement of the militia, as desired by the general court; but was careful to give commissions to such persons only as were well affected to government." Governor Bernard had been requested by the house, in 1769, to have a more efficient organization of the militia, but he paid no attention to the request.

passed, that an agreement, called "the solemn league and covenant," should be offered to the people through the province, (and a copy forwarded to the other colonies) by which they pledged themselves to use no goods imported from Great Britain, so long as the act continued for blockading the port of Boston. More was expected from this measure than the event justified, though it had some effect on the merchants in England, who shipped goods for the colonies; and Governor Gage considered it an act of such direct opposition to the policy of ministers, if not of immediate injury to the British merchants, that he issued a proclamation, forbidding the people to subscribe the agreement, and threatening them with transportation to England, to be tried for treason. But such threats were lost upon the people of Massachusetts. They felt themselves oppressed; they considered the measures of the parent government most arbitrary; they were satisfied that their rights and liberties were not only in danger, but were actually violated; and with such a feeling and such a conviction, it was not in their character to hesitate, or to stop to count the cost of opposition. One manifestation of their feelings, at this period, was a refusal of the grand jurors in Middlesex and Worcester, where the superior courts were held in April, to take the usual oaths, or to proceed to any business, until they were assured Chief Justice Oliver would not attend. He had consented to receive his salary from England, and had been impeached by the representatives, though Governor Hutchinson had not allowed a trial; and they declared that he had forfeited his seat on the bench.

At this time, some zealous individuals in Massachusetts and the other colonies, made an arrangement for stated and frequent communications between different parts of the country. This was attended with great advantage, in a political view; for concert of action and of opinion was seen to be essential; and it was important to give and receive the earliest intelligence, as to the measures adopted by every colony, respectively, at this alarming and critical period. There had been a post-office establishment in the British colonies before this time, and Dr. Franklin, was deputy post-master-general. But he was removed from the office, early in 1774, on account of his political principles, and his open and warm support of the conduct of Massachusetts, whose agent he then was in England.

On the election of counsellors, at the beginning of the session, in May, 1774, Governor Gage rejected thirteen of those who received the votes of the general court, and who enjoyed the highest confidence of the people, as well for discretion as

firmness.\* This was a larger number than Bernard or Hutchinson had ever negatived at any one time. And this measure, which discovered a disposition to offend rather than to conciliate, was followed by others, manifesting a similar temper. In his speech, at the opening of the session, he informed the court, that he should adjourn them to Salem, on the first of June: and when the committee of the council were reading their answer to his speech, he abruptly forbid their proceeding, because there was an intimation in it, that his two immediate predecessors had been inimical to the liberties of the province. He said, "he considered such a suggestion an insult to the king and an affront to himself." The removal of the court from Boston, he well knew would be exceedingly disagreeable to the members of it, and to the people at large; for he was not ignorant of the great discontents, and the objections arising from a similar measure by Governor Hutchinson, a few years before. The act could only be dictated either by a wish to censure the people of Boston, or to show how little he thought of the right claimed by the general court, to have a voice in deciding where its meetings should be held. The court was adjourned to Salem, the first of June, by proclamation of the governor, as he had signified the first day of the session. And when he found that they were nothing intimidated by his conduct, but were preparing measures for the safety of the province, without consulting his pleasure, on the 17th he issued another proclamation, to dissolve them. Before the proclamation was published, the secretary was sent to dissolve the court, by orders of the governor; but he was denied admittance, and the messenger was directed to keep the door closed. The subject then under consideration in the house, was the appointment of delegates, to meet others from the several colonies, in a general congress, during the year, to propose and unite in measures for a redress of their grievances, and for the restoration and security of the political rights of all. After this measure was adopted, and the delegates chosen for Massachusetts,† and directions given to communicate the fact to the other colonies, the members of the court separated.‡

\* This rejection by the governor, of the counsellors elected, could be for no other cause than their opposition to arbitrary measures, and to their zealous advocacy of the rights and liberties of the people. They were the following: James Bowdoin, John Winthrop, Timothy Danielson, Benjamin Austin, William Phillips, Michael Farley, James Prescott, John Adams, Norton Quincy, Jerathmeel Bowers, Jedediah Foster, and Enoch Freeman.

† These delegates were, Thomas Cushing, Samuel Adams, Robert T. Paine, James Bowdoin, and John Adams.

‡ A citizen of New York, in a letter, of June, 1774, says, "I am highly



During this session of the legislature, resolutions were adopted, advising the citizens of Boston to be firm and patient, and the people through the province to assist the inhabitants of the capital, and all to persevere in the disuse of British goods, and other foreign articles, which were subject to impost; in the hope, as they said, "that it might be seen they were not alarmed by poverty or adversity, and that the British ministry would relent, as to the continuance of measures so injurious and oppressive." They also desired the governor to appoint a day for public fasting and prayer; but he declined. And they then recommended a particular day for the purpose, in imitation, as they said, of their pious ancestors, who, "on all occasions of common danger and distress, devoutly looked to God for direction and favor."

The conduct of Governor Gage, in the short space of two months, fully proved, that arbitrary measures were still to be pursued, and that the voice of the representatives of the people was not to be regarded. A large military force had been ordered from England, and was daily expected. The prospect was as hopeless as in the days of the hated Andross, to whose tyrannical administration the conduct of Governor Gage was frequently likened. The general court was dissolved, as in his time; and the council was to consist of such persons as the British ministry should designate. The people, however, did not despond; and they felt it a duty to wait the result of the deliberations of the general congress, which was expected to assemble in the course of the year. Yet, in Massachusetts, the people were not altogether inactive. Meetings were holden, in most of the counties, composed of delegates from the towns within their respective limits, at which resolutions were adopted, declaring their opinion, that the recent measures of the British government were unjust and oppressive, and their determination to maintain their liberties, at every hazard. They referred to the conduct of the governor, "which they considered indicative of a purpose to rule the province by force;" and they declared themselves in favor of a provincial congress, as the general court had been dissolved.

The spirit and ultimate views of the people of Massachusetts were manifested, also, during the year, by the voluntary formation of independent companies of militia, which elected their own officers, and met frequently for military discipline. No doubt this measure was recommended or suggested by some

pleased with the spirit of your assembly. It is composed of patriots, well fitted to be entrusted with the liberties of the people. Their resolution and good sense would do them honor in any country under heaven."

of the more discerning politicians, and yet without any settled plan of independence, or of a resort to force, except for defence. As early as this period, there were frequent evidences, that their ancient rights and liberties would not be yielded without a struggle, and even an appeal to arms. There were then many in the province, only in the meridian of life, who had served as officers in the wars between England and France, from 1755 to 1763.\*

\* A dispute which had been some time kept up, as to the boundary line between Massachusetts and New York, was settled, in the spring of 1773, to mutual satisfaction. There had been several meetings of commissioners to adjust the dispute, but without effect. Major Hawley was chairman of the commissioners from Massachusetts. The commissioners from New York insisted, that those from Massachusetts should relinquish their claims west of Hudson River. But they would not consent; and Mr. Hutchinson says, it was at his suggestion that they refused.

## CHAPTER XVI.

Objections to the Judges—Jurors refuse to act—Colonel Hancock dismissed from command of the Cadets—Governor Gage erects fortifications in and near Boston, and collects military stores—Conventions in Suffolk and Essex—Governor forbids meetings of the people—Resolutions of Convention—Provincial Congress—its proceedings—Measures of the Continental Congress—Committee of Safety—Delegates to second General Congress—Clergy—New Provincial Congress, 1775—General Warren Chairman of Committee of Safety—British troops sent to Salem to seize military stores.

The regular course of justice was again impeded during the fall of this year, from objections to the chief justice, as before mentioned. Another objection was now made against the court. Three of the justices were among the counsellors lately appointed in England. To sanction their doings, and not to disapprove even of their having seats on the bench, would be an acknowledgment of a right in the British government to appoint the council, and to change the charter of the province; and an assent to the union of the judicial and executive powers. The jurors, for Suffolk county, both grand and petit, refused to take the usual oaths. Yet it does not appear that any fine was imposed on the jurors; but the court proceeded to business, the following day, to the great surprise and dissatisfaction of the people.\*

At this time, the governor probably anticipated some forcible opposition to his measures, and he appeared resolved to pursue them, even by force, if necessary, whatever might be the opinions or complaints of the people. He ordered military

\* Governor Gage dismissed Mr. Hancock from the command of the independent company of cadets, at this time, without giving any reasons for the removal, except that Mr. Hancock had not treated him with due respect. The company presented an address to Mr. Hancock, expressive of their high sense of his patriotism, and of their personal regard for him. The other officers gave up their commissions, and declared they would not remain in the company, after their commander had been thus unjustly treated. The want of respect charged against Mr. Hancock, by the governor was not specified. It was probably a want of such servile submission as the despotic temper of General Gage required.

stores and ordnances from New York to Boston; and by his directions large quantities of gunpowder, which belonged to the province, were removed into the metropolis, from Cambridge and Charlestown, and placed in the keeping of British regular troops, then lately arrived. Individuals were in the habit of depositing gunpowder in the public houses, for safe keeping; this he seized also, and refused to deliver it to the owners. And soon after, in the fall of 1774, he caused fortifications to be erected on the neck, at the only entrance by land into the town.

The highly excited feelings of the people, under these circumstances, broke out in some acts of menace and riot, which no friend of law and order could fully justify. Some of the counsellors appointed by the king resided in Cambridge, and the people assembled from that and neighboring towns, proceeded to their houses, and insisted on their tendering a resignation of their offices. No acts of personal violence, however, were committed. The act was evidence of the indignation of the people against the counsellors; and the influence of the more prudent prevailed to prevent further mischief, than a temporary alarm and fear of bloodshed.

The convention of delegates for Suffolk, at this time, was highly respectable, and the resolutions adopted very spirited, Dr. Joseph Warren was chairman of the committee, which reported them. He was esteemed as one of the most ardent and fearless of the friends of civil liberty. He was a good scholar, of very popular talents, and animated by the spirit of a martyr. In the report, it was declared, "that the measures of the British government were dictated, not by justice or wisdom, but by mere power and a spirit of vengeance, exerted to extinguish civil liberty. On the wisdom, fortitude, and exertions of the present day depends the fate of this new world, and of the unborn millions of future time. If we tamely submit to the will of licentious rulers, and basely yield to arbitrary power, future generations will load our memories with incessant execrations. But if we arrest the hand which would grasp our honest gains, if we nobly defeat the fatal edict which claims a right to bind us in all cases whatever, if we manfully resist the unconstitutional usurpations of power put forth to enslave us, posterity will acknowledge the virtue which preserved them free and happy. \* \* \* We are determined on the *defensive*, so long as such conduct may be justified by reason and the principles of self-preservation, and *no longer*. We earnestly recommend to the people to avoid all riots and licentious attacks on persons and property; but, by a steady

and manly opposition, to convince our enemies that in a contest so important, a cause so solemn, our conduct shall be such as to merit the approbation of the wise, and the admiration of the brave and free, in every age and country."

A committee was appointed by this convention to wait on the governor and request him to discontinue the fortifications on the neck at the south part of Boston, as it was matter of alarm to the country, and the soldiers were insolent and abusive to the people as they passed. But he declined; and referred to the military preparations making in various parts of the province.

The convention in Essex, at the same time, (September) was equally respectable, firm, and spirited. "Civil war," they said, "was to be deprecated, as a great calamity, but they were resolved to maintain their liberties at every hazard, even at the risk of life itself; as those could not die too early who laid down their lives in support of the laws and liberties of their country." Governor Gage forbid the town meeting called to choose delegates to attend the convention. But the committee, who conferred with him on the subject, expressed their opinion that the meeting was perfectly lawful and proper. He replied, "that he should not discuss the matter with them; he came not to argue, but to execute the laws of parliament, and was determined they should be executed." He added, "that if the citizens should assemble, he would send the sheriff to disperse them; and if the sheriff needed support, he would himself support him with his troops." The troops were, in fact, ordered to be in readiness; but before they received further orders, the people had chosen their delegates and separated. Warrants were made out to arrest the persons chosen, and some of them were arrested; but they found bail, and no further prosecution was had against them.

In compliance with the opinion and wishes of the people through the province, delegates were chosen in September, to meet in October, to attend to the public interests and safety, at that most critical period, when there was no general court, and the arm of power was stretched out to crush them. They met in Salem, to the number of 288, and chose John Hancock, President, and Benjamin Lincoln, Secretary; and adjourned to meet forthwith, at Concord. This body was called a provincial congress; and a large committee was appointed to consider the state of the province. They prepared an address to the governor, which was presented to him by a committee of twenty-one of the convention.\* The purport of the address

\* This committee was composed of Col. Lee, Col. Ward, Col. Orne,

was, that they had met to consult for the public welfare, and they now hoped that the measures, of which the people had complained, which were oppressive in their effects, and deemed to be infringements on their rights and liberties, would be pursued no longer, that the troops would be withdrawn, and all hostile preparations be discontinued. They professed their loyalty to the king, and expressed a desire for the restoration of harmony with the parent government. The governor replied, that he felt himself justified in his conduct, and that there was no design to enslave or oppress the people; and he would have them reflect whether their meeting was not a violation of their charter, which they admitted to be their guide. The congress adjourned to meet at Cambridge the following week; when another committee was chosen to take measures for the defence of the province.

There was now a large military force in Boston, under the command of the governor, ready to obey him in the execution of any orders he might give. And he had already declared, that it was not his duty to justify the acts of the British ministry, but to enforce them. Great firmness and prudence were necessary in the provincial, as well as in the general congress. The object they had in view was most just and praiseworthy; it was the preservation of civil liberty, long enjoyed in the colonies. It was necessary that the means adopted to secure the blessing, should be wise and proper. Rash councils and violent proceedings might essentially injure the cause in which they were engaged. It was their policy to act merely on the defensive; or to adopt measures of precaution, and be prepared for any exigency which should occur. They had, indeed, already often petitioned and remonstrated, but it had been entirely in vain. The general congress had then recently adopted the same course Massachusetts had before pursued. Petitions were forwarded from that august body to the king, and to parliament; to the people of England; and to the people in the colonies. And the congress adjourned, to wait the event of their appeals and memorials to the British government.

Many of the committee of the provincial congress were military officers; and they were directed to ascertain the quantity of arms, cannon, and gunpowder, in the province; and to encourage military discipline among the citizens. The

Capt. Thomas Gardner, Henry Gardner, Esq., N. Gorham, Esq., Mr. Devens, Col. Pomeroy, Hon. Col. Prescott, Col. Thayer, Mr. Williams, Capt. Heath, Capt. Upham, Mr. Barnes, Capt. Doolittle, Mr. Lothrop, Major Thompson, Mr. Pickering, Mr. Palmer, Mr. Brown, and Mr. Thompson.

collectors of taxes were also directed not to pay the money in their hands, or to be received, to the treasurer of the province, who was then under the influence of the governor; but to retain it subject to the orders of the congress. And soon after another treasurer was chosen to receive it. A committee was then appointed, of an executive character, and called "the committee of safety,"\* to continue to act after the adjournment: and three general officers were chosen to command the military of the province.†

The provincial congress met again the last of November, and continued in session fourteen days. Most of the counsellors, elected in May preceding, attended, as they had been requested. The delegates to the general congress from the province, having returned, and being members of this body also, appeared at this time; and communicated the proceedings of the congress, which had been held in Philadelphia; which were fully approved. Several of the counsellors appointed by the king, gave notice to the meeting, that they had declined the appointment. Five delegates were elected to attend another general congress, to meet at Philadelphia, in May following, unless business should require their meeting at an earlier day. They were the same persons who were delegates in the former congress, except Mr. Hancock was chosen instead of Mr. Bowdoin, who declined. An address was also made to the clergy in the province, requesting their influence in favor of a compliance, by the people, with the resolves for the disuse of British goods, and for the encouragement of manufactures among themselves. The clergy were the firm friends of civil liberty; and, during the whole controversy with England, and the struggle which followed, supported the patriots in their measures for maintaining the rights of the people.

When this provincial congress separated, on the 10th of December, it recommended to the people to choose delegates for another, to meet in February following, and published an address to their constituents; in which they observed, that they had adopted or proposed such measures as they believed proper, in the situation of the province; that it was necessary

\* This committee consisted of Hon. John Hancock, Dr. Joseph Warren, Dr. B. Church, Mr. Devens, of Charlestown, Capt. B. White, Mr. J. Palmer, and Norton Quincy, of Braintree, Capt. A. Watson, of Cambridge, and Col. Orne, of Marblehead. And others were added to the committee afterwards.

† These were Col. Ward, of Worcester, Col. Thomas, of Plymouth, and Col. Pomeroy, of Hampshire, who had been field officers in the war of 1756-'60; who were esteemed for their intelligence, patriotism and bravery; and who were afterwards appointed general officers.

for the people to be preparing to defend their liberties and rights ; and yet that they had hope in the wisdom and clemency of the king, and in the justice of parliament, if they could have a true representation of the sentiments and designs of the colonists. The people were exhorted, " to consider their danger, and to be prepared to meet and avert it, by their love of liberty and of their country, by respect for the memories of their ancestors, and by a regard for posterity ; and to remember that they must stand or fall with the liberties of America."

The men who made this address were not innovators, nor were they ambitious, nor enemies of regular government and wholesome laws ; they were moral, religious, discreet, intelligent, and desirous of enjoying themselves and handing down to their children that degree of civil liberty, which the people of the colony had possessed, and which the whigs, of 1688, in England, contended for and acquired. But the ministerial agents in the province were of opinion, that the people were not to judge what portion of freedom they must have ; and should be thankful for what was granted them, as a privilege. It was, indeed, expressly declared, that the people in the colonies could not justly expect so much liberty, as those who were in England ; and as they had chosen to settle and live at the distance of three thousand miles, they must be content with such a measure of freedom, as the British government might think sufficient for them.\*

The new congress of Massachusetts met in February, 1775, as had been proposed. The committee of safety was continued, and its powers enlarged. They were clothed with authority to call out the militia, if necessary, and to oppose all attempts to enforce the obnoxious laws of parliament. They were also directed to take charge of the military stores and implements in the province. And the militia were desired to conform to their commands. A return of arms, ammunition, and of men, was ordered to be made, at an early day. Concord and Worcester were designated as suitable places to deposit the military stores. Two more general officers were appointed ; and the people were urged to manufacture saltpetre as a material for gunpowder. Another address was also sent out to the people, appealing to their patriotic feelings, and exhorting them to prudence, firmness, and resolution, in the event of an attack on their liberties by force. A new committee was chosen to correspond with the other colonies ; and the members from Boston were authorized to call a meeting at any time they might think neces-

\* See Hutchinson, Vol. III. 409. London ed. 1828.



sary. On the first of February, the provincial congress adjourned to the 22d of March. Mr. Hancock was chairman of the committee of safety, at this time; but when he went to Philadelphia, early in the spring, to attend the continental congress, Dr. Joseph Warren was appointed in his place.

Governor Gage was not ignorant of the proceedings of either the continental or provincial congress; and he was disposed to take possession of such military stores as were in the vicinity of Boston, where were his head quarters. He was informed that there was a quantity at Salem or Danvers; and he sent a detachment of 150 men, by way of Marblehead, whither they were transported by water, to seize them. When the troops reached Salem, it was said the stores were at Danvers. In proceeding to that village, it was necessary to pass a bridge, on the way from Salem. When the British troops arrived at the bridge, they found about fifty of the militia posted there under Colonel *Pickering*. They had taken up the bridge, and appeared determined not to permit the British detachment to pass. The commander of the corps ordered, that the planks of the bridge be replaced. But his orders were disregarded. The British officer was much excited, and declared he would proceed. Some of the citizens of Salem endeavored to prevail with him to return; intimating that if he attempted to pass by force, or should offer any violence, he would be opposed at every hazard, by the militia on the other side, who were then much increased in number, and were determined to oppose force to force. A compromise was effected.\* The planks of the bridge were replaced; the British officer and some of his men were suffered to pass over, and then immediately returned. The affair was brought to an issue, without bloodshed. But it served to shew the British general, that the Americans had spirit and resolution to defend their rights; and to convince the latter, that there must be a resort to force, unless the people submitted to the arbitrary acts of the British parliament.

\* Rev. Dr. Barnard, of Salem, was acquainted with the British officer who commanded the party. He proceeded to the spot, and assured the officer that Col. *Pickering* and his men would never permit him to seize the stores.

## CHAPTER XVII.

Third Provincial Congress, March, 1775 — Its advice and orders — More British troops arrive — War or submission — British Patriots — Affair at Lexington and Concord — Meeting of Provincial Congress — More men raised — Governor Gage denounced as an enemy to the Province — Militia collect at Cambridge and Roxbury, and from Massachusetts, Connecticut, New Hampshire, and Rhode Island — Advice of General Congress desired, as to civil government — Measures of defence — Battle of Bunker Hill — Great slaughter — Death of General Warren — Cause of its Failure — General Washington appointed Commander-in-chief — Measures adopted to augment the Army.

THE provincial congress was again held the 22d of March at Concord. The affair at Salem, and the movements of General Gage excited apprehensions of attacks on other places; and a report was circulated that the British troops in Boston would be sent out to destroy the military stores which had been collected. It was an object with the congress to strengthen the committee of safety, and to prepare for self-defence, if the British should make such an attempt. The elite corps, or minute companies, were desired to improve themselves in military discipline; and several artillery companies were ordered to be raised. The people were urged to pay their taxes to the new treasurer, with all possible despatch; and loans were solicited for the use of the province. The counsellors who had been appointed by the British ministers, and who had accepted the trust, were declared to be enemies to the country.\*

Early in the spring, an additional number of British troops arrived at Boston; and an opinion prevailed, that the crisis was approaching, when the alternative must be base submission or war. With a very great majority of the people, there was no hesitation as to the choice. A few, indeed, who had long opposed the policy of the parent government, thought it would be most prudent still to petition and submit. But the love of

\* Those who declined acting, by virtue of their appointment by the king, were Danforth, Powell, Watson, Russell, Lee, Royall, Hooper, Worthington, Paine, Williams, Vassall, Palmer, and Woodbridge.

liberty was so strong with the great body of the people, including a due proportion of the best educated and opulent, that they were resolved to oppose the measures of administration in England, at every hazard. They admitted that the prospect presented almost insuperable difficulties. But, probably, they looked to the support to be given by the whole country, as some cause for hope; and still cherished a belief, that the friends of constitutional freedom in England would have influence to introduce more favorable counsels. The strong measures then adopted by ministers were opposed by Lord Chatham, and others; who expressly declared, "that they considered the people of Massachusetts as standing in defence of constitutional rights, and the conduct of administration as unjust and tyrannical." They predicted forcible opposition, and even expressed a hope that success might attend the struggle of the colonies for political liberty. It was believed, that ministers hesitated; for a conciliatory plan was proposed, for the colonies to tax themselves, as had been made in 1765; but it was only a suggestion, and too indefinite to lead to any relaxation of measures of defence in America. It was afterwards disclosed to be only a pretence, for the purpose of preventing a union of the people in different parts of the country.

Before the provincial congress separated, which was on the 15th of April, it was agreed to raise troops immediately, for the defence of the province: for it was known that General Gage had received orders to put down all opposition; and all the civil power was concentrated in him, with an army for his support. The committee of safety was directed to appoint field officers for the regiments to be raised, and to make the greatest preparations for defence which the resources of the province would afford. Committees were also chosen to visit New Hampshire, Connecticut, and Rhode Island, to inform them of the measures adopted in Massachusetts, and to request their support and coöperation, as events might require. This meeting took care also to provide for another assembly of delegates or representatives of the people, to be held on the last Wednesday of May, the usual time for the organization of the general court.

On the 18th of April, several British military officers from Boston were observed riding through Cambridge and on the road to Lexington; and an apprehension arose that some hostile movement was at hand. The committee of safety gave orders for the removal of the stores from Concord. Dr. Warren, the chairman, who was most vigilant and enterprising, and who had directed a constant watch of the troops, received notice during

the night of the 18th, that a detachment of the British forces in Boston, of 1000 men, were landing at Lechmere's Point, in Cambridge. He immediately despatched messengers to Lexington and Concord to give the people notice, that they would probably be attacked. Directions were given for the militia to protect such stores at Concord as had not been removed. Notice was also sent to Mr. Adams and Mr. Hancock, who were then at the house of the clergyman, in Lexington, of the expected approach of the British troops. These two patriots were among the most active opponents of arbitrary power, and were particularly denounced, as deserving the vengeance of the British government. The detachment of British troops arrived at Lexington, near the church, soon after day-light. A company of the militia was already collected there. The British commander rode up to them, and said, "Disperse! you damned rebels, disperse!" and immediately fired his pistol; and the soldiers who were in front fired also. The militia dispersed, but some of them fired on the British as they retired. In this attack, eight of the militia were killed and several wounded.

The British reported, that the militia first fired; but it was fully proved afterwards, that the British began the attack, and that the firing from the Americans was only from a few as they were retiring.

The British detachment proceeded to Concord, about five miles further, without meeting any opposition. Some of the militia had assembled at this place, under arms, on the intelligence that the British troops were advancing. These were not very numerous; and they retired to a bridge, at the distance of nearly two miles, where they made a stand; in the expectation, probably, that the British forces would not pursue them, or that others of the militia would come to their aid. A part of the British troops followed them to the bridge. The militia, who were on the farther side, were desirous of returning to the village, to protect the people and their property, as well as the public stores. To prevent this, the British removed a part of the bridge; but the militia pressed forward, as if resolved to go to the village. The British troops then fired on them; and the fire was returned by the Americans with spirit and effect. And the former were pursued near to the village, when the militia received a check from the united force of the whole detachment. The militia, however, poured in from the vicinity; and the British commander gave orders to return to Boston. The militia hung upon their rear; and many of the regular troops were killed and wounded. At Lexington, they received a reinforcement from General Gage,

which rendered them so formidable that it was not prudent for the militia to make any systematic attack on them. Part of a regiment from Salem, under Colonel Pickering, reached Medford late in the afternoon, but not in season to give them any check. The loss of the British, on this occasion, killed, wounded, and missing, was nearly three hundred; and upwards of eighty of the militia were killed or wounded.

The provincial congress assembled again, on the 22d of the month, and voted to raise thirteen thousand men, who were to repair to Cambridge and vicinity, without delay. They also again made application to the neighboring colonies, for them to proceed to the same place. They said, "they had no hope left but in a large military force, sufficient to strike terror into the hearts of their enemies;" as they now for the first time called the British; "and they were determined to part with their liberties, only at the price of their lives." They denounced Governor Gage, as an enemy to the province, and an agent of tyrannical rulers, to oppress and enslave the people. And he, in his turn, issued a proclamation, declaring Massachusetts to be in a state of rebellion. In some of his conduct, General Gage was not only severe, but unjust. He promised to allow the citizens of Boston to leave the town, on condition of depositing their arms in a public place under his command; but when they gave up their arms, he utterly refused to let them go; as the hardened Pharaoh did the people of Israel.

Within ten days after the affair at Lexington and Concord, a large number of the militia collected in Cambridge and Roxbury; but many of them without suitable military equipments; and their organization was quite imperfect. The alarm occasioned by the battle at Concord, was very great; but a resolution was manifested, to hasten to the place of danger, and, if possible, to prevent further aggressions. Some of the militia from Connecticut, New Hampshire, and Rhode Island, arrived at an early day, accompanied by individuals who had been brave officers in the campaigns of 1756-'60.\*

A statement was made to the continental congress, then sitting in Philadelphia, of the affair at Concord and Lexington, and of the preparations made and making for defence. That august body approved of the conduct of Massachusetts, and recommended to all the other colonies to raise men and forward them to the neighborhood of Boston to act for the general welfare.

\* The most distinguished were Col. Israel Putnam, of Connecticut, Col. John Stark, of New Hampshire, and Col. Greene, of Rhode Island.

At this time, the congress of Massachusetts applied to the continental congress for advice, as to the form of government proper to be adopted, in their peculiar situation. They had declared against the authority of Governor Gage, and of the counsellors appointed by the king; and though they had assumed the civil authority in the province, it was not precisely in the way pointed out in their charter. There was no general court and no house of assembly, according to the directions of that instrument. But they had acted, for several months, as the representatives of the people, chosen according to ancient usage: and had appointed a committee of safety, who performed the appropriate duties of the executive department. They were sensible this was only a temporary form of government, for the immediate exigency of the occasion; but did not wish to establish a government, without consulting the other colonies. They had been compelled to raise troops; yet, as the military, in all free states, should be subordinate to the civil power, they said they were concerned at having an army, even of their own citizens, without a civil power to provide for and control it. Few disorders or inconveniences had happened, in this period; for the great object of self defence, and of the preservation of liberty against arbitrary power, prevented all private disputes among the people. As the general congress did not immediately reply, another application was made for advice; which shewed the desire of Massachusetts, to have a fixed form of civil government, and to receive the approbation of the rest of America, in an affair of such vast importance. A few weeks after, the opinion of the general congress was received, "that it would be proper to conform, as far as might be, to the provisions of their charter;—to elect representatives, and these representatives to choose counsellors, who were to form an executive department, and exercise the powers before vested in the governor and council." This plan met the views of the people generally in Massachusetts, and undoubtedly was suggested by some of her eminent citizens, either in the general, or in the provincial congress.

The provincial congress continued in session till the 27th of May; after a few days another assembled, which was before the opinion and advice of the general congress had been received. This continued together only a short time, and ordered, that representatives should be elected to meet in July, to proceed agreeably to the opinion given by the continental congress. While together, further measures were adopted, by the provincial congress, for organizing the militia, who had assembled at Cambridge and Roxbury, and to provide for their

efficient equipment. There was an apprehension, that the British General would make an attack on the Americans, with all his forces; and the provincial troops were generally deficient in arms and gunpowder. It was desired, if possible, to give the enemy a check, if they should leave Boston, and prevent their penetrating into the interior. By the last of May, there were twentytwo regiments in the vicinity of Boston, besides the troops from the adjoining provinces. Artemas Ward was appointed commander-in-chief, and John Thomas second in command; the former was at Cambridge and the latter at Roxbury. The Connecticut men, under General Putnam, and those of New Hampshire, under Colonel Stark, were, in some measure, independent of the Massachusetts militia; but there was a perfectly good understanding between them. It was not till July, when the continental congress undertook to organize the army, and appointed George Washington commander-in-chief, that a complete organization and system was formed.

It was not to be supposed that General Gage would remain long inactive, when he had a large body of regular troops under his command, and the Americans, though rather more numerous, were so poorly disciplined and equipped. A report was circulated, that he intended to take possession of the heights of Dorchester and of Charlestown, and to erect fortifications thereon; where his men would be better situated for making any future attacks. On the fifteenth of June, the committee of safety gave orders for the militia to be prepared to march at the shortest notice: and it was proposed to take possession of the hills in Dorchester and Charlestown, before the British General should order his troops there. After some consultation, it was decided to fortify the heights of Charlestown only; at that time. A detachment, of about twelve hundred men, was ordered to that place, on the evening of the sixteenth, and at the day-light of the following morning, a redoubt was thrown up, on the eminence south of Bunker Hill, and much nearer the river, which separates Charlestown from Boston. At this time, they were discovered by the British in the capital; and a ship of war lying in the river opened a heavy fire upon them. They were also fired upon from the fort on Copp's Hill, at the north part of Boston, and from several armed vessels, which had come up on the western side of Charlestown. By noon, they were exposed to a heavy fire from various directions. They were much fatigued by the labor of the night and morning, in throwing up the redoubt and breastwork. No recruits had then arrived from the main army at Cambridge. A little after two o'clock, a large body of British troops passed over

from Boston, estimated at nearly three thousand, and landed at a point south-east of the redoubt where the Americans were posted. At this time, some Connecticut troops, under General Putnam, arrived near the redoubt, and on the descent of the eastern side of the hill, while the British were forming. They threw up some new mown grass against the fence, and waited the approach of the enemy : and before the attack was made, some of the New Hampshire militia arrived, and were posted near to the Connecticut troops: for it was evident the British intended to attack the redoubt, where Colonel Prescott was posted with the Massachusetts troops, on the rear, rather than to march directly up in front. The number of Americans, at this time, in the fort, and by the fence, on the easterly side of the hill, were about two thousand, or two thousand two hundred. Colonel Prescott commanded at the fort ; but it appeared that General Putnam had the direction or inspection of the whole, as he rode from the fence to the fort and back, several times, and also as far as the neck, to hasten the recruits, which were ordered on at a late hour. That no earlier or greater reinforcements were sent on to Charlestown from Cambridge, was probably owing to an apprehension, that the British would make an attack on the militia in that place, by crossing the bay, from the western part of Boston.

About three o'clock, the British troops marched up, as was expected, chiefly towards the Americans posted at the fence, on the eastern declivity of the hill, on which the redoubt had been thrown up ; and began the fire, when at some distance. The militia had been ordered to reserve their fire till the enemy should approach very near : and when the word was given, they poured such an incessant fire on the British regulars, that great numbers fell, and the others soon retreated to the place where they landed. They were soon rallied again by their officers ; and again were repulsed in a similar manner as before, and with great slaughter.\* The British in Boston were spectators of the scene. And a reinforcement was sent over immediately. The Americans received but little additional aid, which was obtained by General Putnam, who rode over the neck, and sent on such of the militia as were near.

When the third attack was made by the British, they had more light artillery ; and the militia under Putnam and Prescott, had but one company, and that was not well prepared. The attack was now made more directly on the redoubt, but

\* At this time the town of Charlestown was set on fire, which added to the horrors of the day.



in two parts at the same time. The Americans had but little ammunition, which was soon expended, and very few of them had bayonets. They received the British bravely;\* but were soon ordered to retreat. Those in the redoubt retired first, and were in some measure covered by those at the fence, on the eastern side of the hill.

Dr. Joseph Warren, who was then president of the provincial congress, a few days before appointed a major-general, was slain, near the close of the action. He was not in command on that occasion, and was merely a volunteer. His ardent patriotism would not suffer him to remain at a distance from the scene of danger. He was urged not to go and expose himself unnecessarily; he replied, "that he could not rest while others were fighting for the country, but he must take a part with them."

General Warren had the confidence and affection of the people in a remarkable degree. He was possessed of ardent feelings and honorable principles; and the spirit of patriotism was as pure as it was warm in his heart. He was in the prime of life, and of the best education the country could afford. The other men of distinction, who were killed or mortally wounded, were Colonel Thomas Gardner, Lieutenant Colonel Parker, and Majors Moore and McClary. The loss of life, on this memorable day, was very great. Of the Americans, about one hundred were killed, and nearly three hundred wounded or taken; of the latter between thirty and forty. The British had between fourteen and fifteen hundred,† killed and wounded: a large proportion of which were killed, including upwards of eighty officers.‡

This was a disastrous event to Massachusetts; but the people did not despond. And if there was some want of system and promptness on the occasion, those who had proposed taking possession of the place were not blamed. There was

\* The British officers said, "the Americans fought like devils."

† One account gave eleven hundred wounded, and seven hundred and forty-five killed. The British only would know, and they were unwilling to confess the full extent of their loss.

‡ The numbers engaged, on each side, in this battle, have been variously given. Prescott went on with one thousand, or a little more: parts of three regiments, but not full ones. He was reinforced with a very few, till just before the battle began, when probably one thousand more arrived; all making about two thousand, or two thousand two hundred. The British consisted of about three thousand, at first, and afterwards one thousand, or fifteen hundred were added. But some have estimated the whole at five thousand. This is probably too high. When they made the third and last attack they had not many more than at the first; but in the two first repulses their loss was very great.

evidently a want of plan in the enterprise; but, perhaps, the unprepared condition of the country is a sufficient excuse for the imperfection of the arrangements. If the militia at the redoubt had been aided by one thousand more men from Cambridge, by noon, which might have been easily done, and more ammunition sent, the British would not have taken the fort. But there was little ammunition in the whole army then collected; and if there was just cause to fear an attack from the British, on the American main army, it might have been good policy not to weaken it, by sending a reinforcement to Charlestown. The British generals were convinced that the Americans would *fight*, as well as argue, for their rights; and were thus deterred from making another attack for a long time, which gave opportunity to collect military stores, and teach the men the military discipline, necessary to fit them to oppose the regular troops of Britain with effect.

On the day of the battle in Charlestown, the provincial congress, then in session at Watertown, voted to procure provisions for the troops, who were then under enlistment for eight months, and to collect fire arms wherever to be found. And the committee of safety issued orders for all the militia within twenty miles to repair to Cambridge. The aid of the adjoining colonies was again solicited, in furnishing more troops; and it was stated that there were ten thousand regular troops in Boston, under General Gage, and that more were daily expected. Application was made to the continental congress, at Philadelphia, that they would appoint a general-in-chief, to command the whole American forces. The Massachusetts congress had made such a request soon after the affair at Lexington and Concord; and the general congress had already acted on the subject. On the fifteenth of June, it voted to appoint such an officer; and on the sixteenth, on motion of one of the delegates from Massachusetts, GEORGE WASHINGTON, then a member of that body, was *unanimously* elected. Four major generals were chosen, a few days after, one of whom was Artemas Ward, of Massachusetts; and eight brigadier generals, three of them from Massachusetts, John Thomas, William Heath, and Seth Pomery.\*

\* Dr. Benjamin Church, who had acted with the patriots, and was one of the representatives of Boston, was detected, about this time, in corresponding with the British officers. He was arrested and examined by a committee of the representatives. His conduct was considered very reprehensible; but he was only punished by being expelled from being a member of the house. He complained of his treatment; while others thought he merited a more severe punishment. His letters were in characters, but were decyphered by Rev. Dr. Samuel West, of Dartmouth.

General Washington arrived at Cambridge on the second of July, and took command of the troops there assembled. The congress of Massachusetts sent a committee to meet him at the western bounds of the province; and when he reached Cambridge, made an address to him, declaring their entire confidence in his patriotism, his ability and wisdom, and their readiness to afford him all the aid in their power. In his reply, he spoke of their zeal, their sufferings and services, in the cause of the liberties of the country, and of his need of their support in the trying duties which he had undertaken. His reply was characteristic of the wisdom, intelligence, and modesty of one, who, through his whole life, and especially after this period, received the universal esteem, confidence, and admiration of the country.\*

\* General Washington was instructed, by the continental congress, to consult the civil authority of Massachusetts, and in his military operations, to conform, as far as possible, to their wishes and directions. His conduct, while in the province, was agreeable to his instructions. His own sense of right would suggest the same course to him. For, though a brave officer, he knew the importance of submitting to the civil authority.

## CHAPTER XVIII.

Representatives meet, 19th July, 1775, and elect an Executive Council—Population and state of the Province—Army at Cambridge and Roxbury—Destitute of equipments—Want of cannon, fire-arms, and powder—Falmouth burnt by the British—Powder Mills erected—Measures of defence adopted—Forts built—Privations—Courts organized—Public expenses—Invasion of Canada unsuccessful—Death of General Montgomery—Men enlisted for a year—Plan to attack Boston—Dorchester Heights fortified—British leave Boston.

ON the nineteenth of July, representatives having been elected, in conformity to the advice of the continental congress, a house of assembly was held at Watertown, consisting of two hundred and six members; the most of whom had been delegates to the provincial congress, which had been in session for some time, till the eighteenth. They proceeded to elect counsellors, who were to act as one branch of the legislature, and also as the executive of the province, or commonwealth. And the following named persons were chosen: James Bowdoin, John Hancock, Benjamin Greenleaf, Joseph Gerrish, Samuel Adams, William Sever, Jedediah Foster, Michael Farley, Joseph Palmer, Jabez Fisher, John Pitts, John Winthrop, John Adams, Thomas Cushing, Benjamin Lincoln, Caleb Cushing, James Prescott, Azor Orne, Walter Spooner, James Otis, Robert T. Paine, Benjamin Chadbourn, Enoch Freeman, Charles Chauncey, Moses Gill, Samuel Holten, E. Taylor, and J. Taylor. Samuel Adams was chosen secretary; but, as he was a delegate to the continental congress, Perez Morton was appointed deputy secretary.

It was voted, by the representatives, that the council should exercise all the authority formerly in the hands of the governor and council; and that their acts should be observed accordingly. The ordinary civil affairs of the state were conducted with remarkable order and quiet; there were no acts of violence or irregularity committed, and no complaints of injustice or opposition. But the judicial courts were not duly organized till November.

In the month of August, the troops at Cambridge and vicinity were formed into a continental army, under General Washington, whose commission was from the general congress. His quarters were in Cambridge. General Ward was put in command of the right wing, at Roxbury, and General Lee, of the left wing, at Prospect Hill.

The whole number of American troops, at this time, was estimated at fifteen thousand; of which nine thousand were of Massachusetts,\* and most of the remainder from Connecticut, New Hampshire, and Rhode Island. But several companies of riflemen soon after were added, from Pennsylvania, Maryland, and Virginia.

In July, 1775, the continental congress published a statement of the causes of a resort to arms. They gave a view of their rights, and of the late measures of the British parliament and ministry, by which their rights were infringed and violated. They professed a desire that the union with England might be continued, by a change of policy under which they suffered. "The usurpations of power, and the restraints on their liberty, as recently made," they said, "they could not endure. We have remonstrated and petitioned, but all in vain. The terms proposed by the British ministry were as humiliating as could be dictated by remorseless victors to conquered enemies. In our condition, to accept them would be to deserve them. We are reduced to the alternative of unconditional submission to tyrannical rulers, or resistance by force. The latter is our choice. We have counted the cost, and find nothing so dreadful as voluntary slavery. Honor, justice, and humanity, forbid us tamely to surrender that freedom, which we received from our gallant ancestors, and which our innocent posterity have a right to receive from us. We cannot endure the infamy and guilt of resigning future generations to that wretchedness which inevitably awaits them, if we basely entail hereditary bondage upon them. \* \* \* Our cause is just; our union is perfect; our internal resources are great; and we solemnly declare, before God and the world, that, exerting all the means and power which our Creator hath bestowed, we will employ the arms which our implacable enemies have compelled us to use, with unabating perseverance and at every hazard, for the

\* The population of Massachusetts, at this time, was upwards of four hundred thousand, including Maine, which consisted of about ninety-five thousand. The harbor of Boston, and most of the coast, were exposed to British armed ships; and the fishing and coasting business, as well as foreign navigation, were entirely suspended.

preservation of our liberties ; being with one mind resolved to die freemen rather than to live slaves. But we have not raised an army with the ambitious design of separating from Great Britain, and establishing independent states. We fight not for glory or conquest. In our own native land, in defence of the freedom which is our birthright, and which we have ever enjoyed till the late violations of it, for the protection of our property, acquired by honest industry, against violence actually offered, we have taken up arms. We shall lay them down when hostilities shall cease on the part of our aggressors, and not before."

It required great attention and prudence to introduce the necessary discipline among the troops. They were the yeomanry of the country, and had voluntarily engaged in military services, from purely patriotic motives. Most of them were unused to a military life, and insensible of the necessity of subordination and strict obedience to their officers. The insufficiency of cannon, fire-arms, and powder, was another serious defect, requiring early attention. The towns were called upon by the congress of Massachusetts, at the request of General Washington, to send a portion of their common stock, which which was soon forwarded ; but there were very few cannon to be had in the country. Some were brought soon after from Ticonderoga and Crown Point, which had been captured in May, of that year, by volunteers from Connecticut, Vermont, and the county of Berkshire, in Massachusetts. The greater part taken at those places, however, was not transported until the winter following, when the conveyance was comparatively easy. General Washington also called for more of the militia of Massachusetts, as it was apprehended the British would make an attack on the American lines, and the number of the militia assembled was not found to be so great as had been first reported.

A committee of the Massachusetts assembly was sent to Lake Champlain, in June, to see if the cannon and other military articles, lately taken in the forts there, could be removed to Cambridge, or secured for future use : and to take necessary measures for the defence of the northwestern frontiers, from depredations by the British and Indians. The committee continued at the lake several weeks, and ordered on some companies from Berkshire, to keep possession of the forts which had been captured. Some men also were soon after sent on from New York to that quarter. A statement was early made to the continental congress, by Massachusetts, of the importance

of retaining these forts, as well as of taking possession of Canada. And an expedition was prepared, a few months after, under Generals Montgomery and Schuyler, for that purpose. Major Hawley was early in favor of such a measure; for he considered it highly important for the safety of the New England colonies, that an efficient military force should be sent to Lake Champlain, if it did not proceed any farther.

The British army remained quietly in Boston for the residue of the season. Governor Gage went to England in September, and General Howe took the chief command. Generals Bourgoyne and Clinton were then with the British troops in the capital. They arrived a short time before the battle of Bunker Hill in Charlestown. The British armed vessels, however, committed depredations in several places on the sea board. A large American ship, with a valuable cargo, going into the harbor of Gloucester, in August, was taken by boats from a frigate at a little distance. But the frigate did not approach very near her, for fear of grounding. The people of Gloucester recaptured the ship with their boats, and carried her into the harbor in safety; and the British marines, who had boarded her from the frigate, were lodged in the county jail. In October, Bristol, in Rhode Island, was bombarded by three British ships-of-war; a good deal of damage was done, and most of the inhabitants left their homes. About the same time, Falmouth, on Casco Bay, (Maine) was attacked and burnt by the British, who visited the place to obtain spars for the use of the ships in Boston harbor. The people refused to furnish the spars; and after a few hours notice, and most of the inhabitants had time to depart, the town was bombarded, and most of the houses and stores were burnt.

The Americans were engaged in fortifying Prospect Hill and Lechmere's Point, in Cambridge; and two eminences in Charlestown still nearer to the neck leading to Bunker Hill, where some of the British troops were stationed. Roxbury was also fortified, and other places between that town and Cambridge, near the bay, to check the enemy if they should attempt to land from Boston.

The provincial congress of Massachusetts had been very vigilant and prompt in providing for the public defence; but the general court, formed the latter part of July, had much to perform for the same purpose. It was a difficult task to furnish provisions for so many troops; and yet more difficult to obtain the military stores which were wanted. Loans were solicited, and large sums were collected in that way; but not sufficient

for the calls and expenses of the occasion. The continental congress, at this time, called for three million dollars; and Massachusetts was assessed a sixth part of the sum. A tax of £40,000 was laid, and an emission of paper money voted, to the amount of £100,000. Two powder mills were erected, at the expense of Massachusetts; one at Andover, and one at Stoughton; and afterwards, a third at Sutton. Privateers were also fitted out by consent of the general court, which were very successful in taking British transports on the coast.

The inhabitants of Boston, who remained in the town, were subject to great privations and sufferings, and to harsh and severe treatment from the British. Contributions were made for their relief, by the people in all parts of the colonies, but it was difficult to convey it to them.

The general court made a request to the continental congress, to hold its meetings in Massachusetts, near Boston. This was declined; but a committee of that body was sent to Cambridge to confer with the executive of the state, and the commander-in-chief of the army. Dr. Franklin was one of the committee on the part of congress, and Bowdoin, Sever, Otis, and Spooner, on the part of Massachusetts. It was agreed to raise an army of twenty-four thousand men for the ensuing year, and to call on the several colonies for their respective proportions of money to meet the necessary expenses. Soon after, congress issued a large amount of paper money: they said, "they could not borrow, and the people were unable to pay great taxes; and that they had no other resources but the worth of this fertile country. That *on the credit of such a bank*, they had emitted bills, and that the faith of the continent was pledged to redeem them."

In urging the people to enlist, the committee of the general court said, "Happy will he be who shall be able to boast, that he was one of those who assisted in the arduous but noble work of defending the liberties of his country." Washington said, "We have taken up arms in defence of the liberties of our country, and we are determined to maintain them, or die in the struggle." About this time, the liberty tree, so called, in Boston, was cut down by the British; which gave occasion to one of the patriotic citizens to say, "that the American tree of liberty was too firmly rooted to be destroyed by all the power of Britain."

Some small skirmishing took place in the month of September, between the American and British outposts. One was at Charlestown neck, where several of the British were wounded,



One was on the neck between Boston and Roxbury, near the British fortifications, when some of their barracks were burnt. And one at the light-house, where some Americans attempted to injure the light, that it might be of no benefit to the British vessels. At this time, companies and parts of companies of militia, were stationed at Braintree, Scituate, the gurnet in Plymouth bay, and other places on the sea board.

Among the acts of the first general court, a law was passed for the appointment of justices of the courts of common pleas, justices of the peace, sheriffs, and other civil officers: and the commissions of persons who had been appointed by the governor and former council were declared to be vacated and null. Justices of the superior court were not appointed till November. These were John Adams, William Cushing, N. P. Sargeant, R. T. Paine, and William Reed. Sargeant, Paine, and Reed declined; and Jedediah Foster and James Sullivan were appointed soon after.

Application was made in October to the continental congress for a reimbursement for expenses, in men's wages, provisions, and military stores. Massachusetts had then paid, for provisions and military articles, £10,000, from April to August; £65,000 for wages, and for clothing, £16,000. Besides the army at and near Cambridge, those on the seaboard at different places amounted to nearly two thousand. The general congress advanced £133,000.

At this period, there was little expectation of being again united to Great Britain; though all hope was not yet extinguished of such an event. If the councils of *Pitt*, and other British statesmen of his views could prevail, there would be cause to expect a reunion. It would have been more difficult, probably, to adjust the dispute than ten, and even five years before. But the spirit and measures of administration left little to hope; and the British nation generally supported the ministry in its policy towards America. It was necessary, therefore, to continue preparations for the defence and welfare of the country. It was an object to have Canada on the side of the other colonies, or to prevent any injury from a union of the British and Indians in that territory. Massachusetts assisted in the expedition into that country, planned by congress under General Montgomery; and General Washington sent twelve hundred troops from Cambridge, in September, by the way of Kennebec River, to assist in the reduction of Quebec. This enterprise proved unsuccessful. Montgomery was fortunate, indeed, in taking Montreal and some other places; but when he proceeded to

Quebec, he had but few troops; the city was strongly fortified; he made the attack without sufficient preparations; and fell in the first onset.

It was soon perceived that armed vessels might be of great benefit, by taking British transports with provisions and military stores sent from England and Ireland for the army in Boston. Some private vessels had already captured several large ships with valuable cargoes. The general court voted £50,000 for this purpose; and several ships and brigs were fitted out in the latter part of 1775. The British small vessels sent out from Boston for plunder on the coasts, were by this means prevented doing the injury which they intended to the inhabitants, or obtaining the supplies needed for the troops in the capital. Captain Manly, of Marblehead, was distinguished for his bravery and enterprise on this occasion.

Orders were issued in the fall, for enlisting men for one year to serve in the continental army. Though this order was agreeable to a vote or request of the general congress, each state was to furnish a particular number, according to its population. The term, for which the men then in camp had enlisted would expire with the present year: and it was requisite to have the new troops on the spot the first of January. The enlistment proceeded very slowly; and at the latter part of December only a small portion required had engaged for the succeeding campaign. The general court immediately gave orders to reenlist those then in the camp for three months, and until men for the year could be procured. At this time, General Washington requested five thousand of the militia, and they were called in, at very short notice; and, on the first of January, 1776, he made a requisition for six regiments of militia, which were also immediately put under his command. He was then meditating an attack on the enemy in Boston, and the other troops under him did not exceed nine thousand. For a great part of the winter, Massachusetts furnished between eleven and twelve thousand men of the American army.

It was the opinion of the people generally, at this time, and of many members of congress, and of the general court of Massachusetts, that an attack on the British in Boston would be proper, and might be successful. The public feeling is often excited without good reasons, or a correct view of facts, according to which a just decision can be formed. The people judge according to their wishes, rather than mature reflection. They thought more might have been done for six or eight months, and with a number of troops much larger than the British.

But they did not consider, that the American army was composed of undisciplined troops, and had a scanty portion of military articles. General Washington was sensible of the expectation and feelings of the people. He held a council of war on the subject, but the officers advised against an attack. But Colonel Knox, who was sent early in the winter to Albany, to provide means for transporting the remainder of cannon taken on the lake, returned in February. And the commander-in-chief again summoned a meeting of the officers, to consider the expediency of an expedition against the enemy in the capital. Many were still opposed; but he was anxious himself, that an attempt should be made, and he knew that he might be charged with inaction, if he did not make an effort on the occasion. It would be desperate to attempt to enter Boston by land over the neck, for the place was strongly fortified by the British, and the pass very narrow. The only way would be to pass on the ice to the west part of Boston, or to the common. The plan was settled, to pass over from Cambridge and Brookline, in two divisions, under Generals Sullivan and Greene, and General Putnam to command the whole expedition. After the arrival of the cannon, and this plan was matured, the weather was so mild as to render its execution impracticable.\*

When this plan failed, it was determined to take possession of the heights in the north part of Dorchester, the nearest spot to Boston not in possession of the British. A detachment was sent from the division at Roxbury, under General Thomas, on the night of the 4th of March. A heavy cannonade had been kept up from the American camp, for several days, to divert the attention of the enemy. By the morning a sufficient breast-work was thrown up, which surprised the British in Boston, as much as that on Breed's Hill, in Charlestown, on the 17th of June. The enemy were fully aware of their exposure, both in Boston, and in the harbor, from this fortress; and concluded that they must drive the American troops from the heights, or leave their station. A plan was formed to attack the fort, but a storm prevented the enterprise: and on the 17th of March, the British troops and fleet departed from Massachusetts; except that several of the armed vessels remained in the lower harbor of Boston for some weeks later. A great part of the

\* "It is not in the pages of history," said Washington in a letter, at this time, "to furnish a case like this: to maintain a post for six months, within musket shot of the enemy, without ammunition; and at the same time, to disband an army and recruit another, within that distance of twelve thousand disciplined and regular troops."

British navy had left Boston before this time, and proceeded to New York, and thence to South Carolina. Those who left Boston on the 17th of March, went to Halifax; and soon after to New York, with the regular troops, composing the army intended to subdue the colonies.

## CHAPTER XIX.

General Washington, with the American army, proceeds to New York—Address of the General Court and people of Boston, to Washington—General Thomas ordered to Canada with several regiments—The expedition unsuccessful—Death of General Thomas—Declaration of Independence—War in the Middle States—Tories—Militia discipline—Style of writs altered—Calls for the Militia—Great efforts to recruit the Army—Paper money depreciates—Laws for the relief of the people, and against monopolies—Military affairs at and near New York—Washington proceeds to Delaware—Battle of Trenton and Princeton—Success of Americans under Washington—Enlistments for 1777—Difficulty of raising men for three years—Large bounties given—Massachusetts' Regiments—New emission of paper—High taxes—Attack on Rhode Island, and on St. Johns, in Nova Scotia.

GENERAL WASHINGTON left Cambridge soon after the departure of the British, with a great part of the American army, for New York, where it was supposed the enemy would make their next attack. The general court requested him to leave six regiments, for the defence of Boston and vicinity, in the apprehension that the British might return, after the American troops were withdrawn. He consented that three regiments should remain, which was as great a portion of the army as could well be spared. Some had already been ordered to Canada, under General Thomas; and the residue would be necessary to check the British at New York, if they should visit that place. The troops left for the defence of Boston and the seaboard, were put under command of General Ward. And three other regiments were soon after raised by the general court, to provide an adequate protection.

Before General Washington left Massachusetts, he was addressed by the representatives, declaring their entire approbation of his conduct, and their admiration of his prudence and firmness in the arduous office he sustained. The inhabitants of Boston also addressed him, when he marched into the town, after the British had left it, and assured him of their confidence in his wisdom and patriotism.

The troops ordered to Canada, were chiefly from Massachu-

setts; but before they reached Quebec, the British were reinforced, and the Americans were retreating. The men under General Thomas were worn down by the fatigue of a long march through an unsettled country; and the officers advised to retire to Montreal. The whole number of American troops did not exceed two thousand, and scarcely three hundred were fit for active service. The time for which some of them had enlisted was expired. They therefore retired to Montreal, and thence to Crown Point. General Thomas was seized with the small pox, and died before the troops reached the last named place. The retreat was conducted with good judgment; and much caution and promptness were necessary to avoid the superior force of the British.

General Thomas was a native of Plymouth county, and of a very respectable family. He was in the campaigns of 1758-'60, when his conduct, both as an officer and a man, was highly honorable, and received the special commendation of Governor Shirley. General Thomas was succeeded by General Sullivan, for a few months, when General Schuyler, of New York, was appointed to the command in the northern department. But the British soon recaptured all the fortified places on the lake.

During the sitting of the general court, in May, 1776, they passed an order, calling on the people to express their opinion, as to the formal and entire separation from Great Britain, and requesting them to instruct the representatives, then about to be chosen, on the subject. The question of independence became a topic of very general discussion. A reconciliation with the government of England was at this time expected by very few. But it was thought most proper to have the sentiments of the people, expressed in their primary assemblies. The town of Boston, and many others in Massachusetts, declared themselves in favor of the measure; referring the subject, however, to the continental congress, in whose patriotism and intelligence, they said, they had perfect confidence. Some of the leading characters wrote to the delegates in the general congress, and urged to a formal act of separation from Great Britain. It was believed, that such a measure had become necessary. The condition of the colonies was such as to expose them to the heavy charge of rebellion; and a civil war was odious to the minds of many. There was no hope of a restoration of former rights and privileges; and it was said, that the people would act with more decision if they were wholly separate from England, and a distinct nation. They were ready for a *revolution*; and a formal declaration of independence would place them in

an attitude different from that of rebels. On the fourth of July following, the continental congress, after most mature consideration, declared the American colonies to be Sovereign and Independent States, and asserted their right and title to all the attributes of such a station, among the nations of the earth. The intelligence was received in all parts of the country with great welcome and rejoicing; but in none more than in Massachusetts.

There were, in all the colonies, a greater or less number who disapproved of the opposition made to the parent government, and who, on this account, were obnoxious to the great body of the people. But there were different classes among them. Some were chiefly apprehensive of the consequences of opposition, and believed it would be impossible to succeed: others, who were mostly officers of the crown, were more bitter and virulent in censuring the friends of liberty. The latter joined the British in Boston, for safety, and went with them to Halifax. A part of these never returned, and were supported by the British government: others came back and threw themselves on the mercy of the government. They were imprisoned for a few months; and it was long before the prejudices of the people against them were entirely eradicated.

Several months before the declaration of independence, the general court of Massachusetts voted, to alter the style of writs and other legal processes, substituting "the people and government of Massachusetts," for "George the third;" and in dating public official papers, the particular year of the reign of the king, which had been in practice, was omitted. A law was made, for the training and discipline of the militia. They were liable to be called for, at any hour; and it was judged important to have them instructed, in some measure, in the military art. The system of military discipline and exercise prepared by Colonel Pickering, in the fall of 1774, with some improvements, which he had made in it, was adopted for the guide of the militia, by authority of the general court.

After the British troops left Boston, the general court of Massachusetts was relieved, in some measure, of the great care and anxiety which had rested on it, to provide for the defence of the country. Yet the duties still to be performed were but a little less onerous than during the first year of the war. The enemy invaded New York, in June, with a large army from Halifax and England; and a great force from Canada was also advancing on Lake Champlain. The fear of another attack on Boston was removed; but great exertions were necessary to raise the proportion of men, required to act against the

British in other parts of the country, and to pay the amount called for by congress, to support the continental army.

Soon after the British arrived at New York, General Washington called on congress for more troops, and they recommended to the several states to furnish them. The general court of Massachusetts voted to raise five thousand men, on this occasion, for the term of six months. The time was critical, and demanded extraordinary efforts. The British army at New York consisted of twenty thousand; and a large force was advancing from Canada, at the same time. In the preamble of the resolve for raising these men, it was said, "the unrelenting spirit of the British ministry was pushing them on for the destruction of America and to enslave us forever; but we trust, that a manly and brave resistance will defeat their wicked design: though the number of men called for is large, this is not to be regarded, when we consider the noble object we have in view. We trust our fellow-citizens will *not confer with flesh and blood*, but will readily and promptly fill up the regiments required, that we may be able to defeat the plans of our cruel oppressors." £50,000 were voted for bounties, and the advance pay for one month. The general court also consented, that two of the regiments, left for the defence of Boston in the spring, should proceed to join the main army at New York, and ordered the militia to be in readiness to march for the protection of the metropolis, whenever it should be necessary. In addition to all these efforts, other regiments of militia were soon after ordered to New York, from Bristol and Plymouth counties; and some from Berkshire and Hampshire counties, to reinforce the northern army.

In September, another call was made by General Washington, for more of the militia; and the general court ordered every fifth man to march. The enemy soon after appeared off Rhode Island, and a part of the militia were ordered to proceed for the defence of that place. General Lincoln was appointed to command those destined for New York; and marched, with a great number, as far as Fairfield, in Connecticut. But the British, at the time, discovered no design to penetrate into the country, and the men were discharged within three months, the term for which they were enlisted.

Nothing but a most devoted spirit of patriotism, and a strong love of liberty, could have prompted to such sacrifices and efforts. In other times, the expenses and exertions of the year 1776, alone, would have discouraged the inhabitants. The greater part of the whole male population was engaged in the public service, in the course of the year. It also required large



numbers to attend the waggons of provisions and stores; ship-carpenters were sent to the lake to build boats; and women and children were obliged to perform the ordinary labor of agriculture.

While the general court was so much occupied in providing for the military service, their attention was also required to the internal affairs of the state. The people were so pressed with public claims, that they were unable to meet private demands. Laws were made for their relief, by suspending legal processes for the collection of debts. The paper money depreciated; and the soldiers and their families suffered much by it. A committee was appointed, to meet others from Connecticut, Rhode Island and New Hampshire, to adopt measures for preventing the depreciation of the bills, and a spirit of monopoly and speculation which prevailed: the committees had two meetings, but it was found impossible to remedy the evil.

The efforts of General Washington, in the summer of 1776, to check the British at New York, were ineffectual. Their army numbered more than twenty thousand; and the American regular troops were but little more than half that number, to which may be added the militia for short periods; but whose term of enlistment often expired when they were most wanted. A large part of the American troops were then at the north, under Schuyler and Gates, to oppose the British from Canada. General Washington could only give the enemy some check in their movements, and make good a retreat, when they approached with a formidable force. There were several engagements between large portions of the two armies, in the course of the season, on Long Island, at and near the city of New York, and in the country near the Hudson; in which many were killed on both sides. But the British generally succeeded in driving the Americans from the forts and positions they had taken; and General Washington was obliged to retire through New Jersey, and cross the Delaware. There he formed the bold plan of recrossing the river, and making an attack on the enemy, who had pursued him to Trenton, though he had only about two thousand two hundred men. It was the last of December, and the most of those then with him would soon finish their term of service. He recrossed the Delaware, near Trenton, with great difficulty,\* as there was ice in the river; and surprised and captured a large body of the enemy. He pursued those who retired, to the vicinity of Princeton, and there gained a second victory. These daring attacks induced the British to

\* Two detachments of the American troops were not able to pass over.

go into winter quarters; revived the almost expiring hopes of the Americans; and gave opportunity to fill up the enlistments for the future. Congress had, before this time, recommended to the states to raise seventy-five thousand men, for the term of three years, or during the war. And the portion for Massachusetts was fifteen regiments, being more than a sixth part of the whole number required. The following year, two more regiments were added from Massachusetts, one of which was artillery. A bounty was also given, to induce men to enlist; and in most cases clothing was furnished, and some pay advanced by the state.

The British sent a fleet, with six thousand troops, to Rhode Island, who landed at Newport, in December; which gave great alarm to the people of that state and of Massachusetts. The militia were called out in great numbers, to check the enemy, on this occasion. The militia in Berkshire were ordered to be in readiness, to march whenever called for, to recruit the army near Lake Champlain; and were furnished with arms at the expense of the state.

At the close of 1776, it was found that £150,000 had been expended by Massachusetts, to comply with recommendations of the continental congress, exclusive of various expenses for the defence of the state, and of the services of the militia at Rhode Island. On application to congress, for a reimbursement, £100,000 was received. General Washington bore testimony to the promptness of Massachusetts at this time, and to the activity and bravery of the militia which were furnished. Early in 1777, two thousand of the militia of Massachusetts were sent on to join Washington in New Jersey. His army was still very small: for the enlistments of regular troops were not so readily made as had been expected. In all the states, the men engaged for three years, and during the war, with great reluctance. The general court of Massachusetts offered an additional bounty, to be paid by two instalments, and furnished a large number of blankets; so that the poor soldiers had not to pay for them with depreciated paper. Still it was a long time before the full number could be raised; nor was this effected till orders were issued for the several towns to raise their proportion by classes, and to engage them on such terms as they might be able. The regiments raised in Massachusetts were marched chiefly to the north-west, to oppose the British in that quarter; and the others were ordered to the south, to join the main army under General Washington.

In the spring of 1777, General Ward resigned his command

on the troops in and near Boston, and General Heath was appointed in his place. A commission as major-general in the continental army was now given to Benjamin Lincoln, who had been a brigadier before. Colonel Henry Knox was appointed brigadier general of artillery; and Glover, Patterson, Learned, and Nixon, brigadiers in the infantry. The public and private armed vessels captured several valuable ships, belonging to the British. From the first of July, 1775, to the last of December, 1776, it was estimated that the cargoes thus taken, were worth one and a half million sterling.

There had been a great difficulty in providing fire-arms for the men raised in Massachusetts and the other parts of the country. A large quantity arrived in March, 1777, with other valuable articles, from France. And a supply was thus obtained for the troops then preparing to join the American army.\* The expenses and debts of the state were such, at this period, as to require another large emission of paper, and a tax of £100,000. The amount of bills was £125,000; but these depreciated as soon as issued, and the taxes were not easily collected. This was a time of very great distress and suffering. Every thing not absolutely necessary for the support of the people at home was furnished the army. Provisions from the western counties were sent on to the troops near Lake Champlain. For the population far from Albany was then very thin, and Vermont was just beginning to be settled. The inhabitants on the seaboard were unable to procure grain and flour from the south. Few had a competency; none could boast of abundance.

In April, the militia were ordered out again in large numbers; some to Providence and Rhode Island, and some to the army on the Hudson, above Albany. The enemy were very strong in that quarter. General Burgoyne had the command, and was threatening to push forward against the Americans. There was also a plan, this season, to drive the British from Rhode Island; and Massachusetts furnished most of the men for the enterprise: and for the greater part of the summer and fall, the number of three thousand and twenty-five hundred were furnished, for a larger or shorter term. The enterprise did not succeed; for the British fleet had command of the bays and waters in that vicinity.

In June, 1777, Massachusetts sent a regiment of men, and a

\* The commanders of the regiments belonging to Massachusetts, were Voce, Bayley, Greaton, Shepard, Putnam, Nixon, Francis, Brewer, Alden, M. Jackson, Wesson, Marshall, Bradford, Smith, Bigelow, H. Jackson, and Crane. And soon after, Brooks and Sproat.

small naval force, for the relief of St. Johns, and other places on the Bay of Fundy, where the people were friendly to the American cause; and who, on that account, were frequently harassed by the British from Halifax. Congress gave its consent to the expedition, but afforded no assistance. Unexpected difficulties occurred, which prevented the execution of the plan; and the naval force of the British was too large to ensure success on the water, in that quarter.

## CHAPTER XX.

A Constitution proposed and formed by General Court, but rejected by the majority of the citizens — Large body of the Militia called out — Northern Army — The British advance — Battle near Lake George and at Saratoga — British army captured, October, 1777 — Affairs at the south, and in the middle states — Battle of Brandywine and of Germantown — British take possession of Philadelphia, and the American army have quarters at Valley Forge, in vicinity — The men suffer much for want of clothes — Heavy assessments laid on the states by Congress — More men required — Loans — Appeals to the People — Confederation — John Adams Envoy to France and Holland — An able Negotiator — Delegates to Congress, and Judges of Superior Court, 1778.

At the session of the general court, in June, 1777, it was proposed to prepare a civil constitution for the state, and a committee of twelve was appointed to present a form at the next meeting. The subject had been suggested during the preceding winter; and it had been recommended to the people, by the general court for 1776-7, to choose their representatives with a view to their forming such a constitution. Many of the towns were opposed to this mode of preparing a form of government. It was contended, that it should be done by delegates chosen for that specific purpose, and not by the general court. The committee, however, reported a constitution in January, 1778; which was submitted to the people, and rejected by a great majority. It was prepared at short notice, and not sufficiently matured. The greatest objection to it was, that there was no bill of rights; or that the natural and unalienable rights of the people were not expressly reserved and secured. The executive power was not fully and exclusively given to the governor; and yet he was to be president of the senate. But in many respects its outlines were similar to those of the form of government prepared and adopted in 1780.\*

The British army from Canada made advances on the Hudson towards Albany, in August, and it was so formidable, that

\* See Appendix.

more of the militia were called for from Massachusetts and the adjoining states. A great number, also, at this time, were serving for the protection of Rhode Island. But the case was so urgent, that the general court ordered reinforcements from the militia in Berkshire and Hampshire; and a few weeks after from the counties of Worcester, Middlesex, Essex, and York. The feelings of the people fully responded to the address of their representatives, on this occasion; who said, "We rely on that public virtue, and that unbounded love of freedom and of country, with which the militia of Massachusetts have always been inspired." Large sums were appropriated for provisions for these troops and those previously in that quarter; and for making the roads passable through the western part of the state, and over the Green Mountains. Every seventh man in the militia was called out, at this time; and what, with the continental regular troops, and the militia at Rhode Island, and on duty at various places on the seacoasts, within the state, amounted to about every fifth able-bodied man; making in the public service, for August, September, and October, not less than twenty thousand. The American troops near Lake Champlain, and on the Hudson River, were commanded by General Gates; General Lincoln, of Massachusetts, had been designated by Washington for the command; but was not able to proceed when first selected. But he arrived in camp soon after the brilliant affair at Bennington, when the brave General Stark, with the militia of New Hampshire, surprised and captured the greater part of an advanced detachment of the British army. The British lost nearly one thousand men in this affair, in killed and taken; and the whole party under Stark scarcely amounted to that number. General Lincoln saw the exposed situation of the British army, as it had advanced south of Lake Champlain, at a distance from the fortified places, and he made a diversion in their rear, to cut off all communication with those forts; when it became necessary for General Bourgoyne to press on, where he would be opposed by General Gates with a large force, or to return to the lake, when he would be between two assailing armies. General Lincoln left a considerable force in the fort at the south part of the lake, and joined the main army under General Gates, near Saratoga. A severe action took place between the British and American forces, on the 19th of September. Almost the whole of the British army and a great part of the Americans were engaged. The attack was begun by three British regiments on a detachment of the Americans, and about a mile in advance of their main body. The British were repulsed; but soon resumed the attack with additional num-

bers. The Americans were also reinforced by another division; and the whole of the enemy were soon engaged in the battle. The American army maintained its position. The British retired to the place whence they made the attack in the morning, with the loss of about one thousand, in killed, wounded, and taken; while those of the Americans did not exceed three hundred and twenty.

On the 7th of October, there was another general engagement between the British and Americans near Saratoga. The right wing of the British attempted to take post on the left of the American main army. Three regiments of the Americans advanced to oppose them, about the distance of a mile, when each party aimed for an eminence which intervened. The Americans were so fortunate as to gain possession of it. The British attacked them, with great force and spirit, but were repulsed, and pursued to their lines by the Americans; who entered one of their entrenchments sword in hand. The Americans remained for the night near the British lines; and General Bourgoyne retired to a distant position which was strongly fortified. On the 19th he surrendered to the American army. He was disappointed of the relief or support he expected, and his troops were exhausted by fatigue and want of provisions. The plan of the British had been to push on to Albany, and to join a detachment from New York on the Hudson River below that place, and thus to cut off all communication between the New England states, and those south of New York. The defeat of this plan, and the capture of a large army of the enemy, of eight thousand men, was matter of great rejoicing in America. When the British began the campaign they were said to be ten thousand. The Americans under General Gates amounted to twelve or thirteen thousand; the greater part of which were from Massachusetts. General Lincoln was wounded, and taken off from active service for several months. Colonel John Brooks, of Massachusetts, was particularly distinguished in the engagements which preceded the surrender of the British army. Colonel Francis and Colburn of Massachusetts were killed in this campaign. General Stark, of New Hampshire, made a present of some of the military articles, taken by him from the British, to the general court of Massachusetts. A letter of thanks was written to him, and he was presented with a suit of clothes and a piece of linen; which expressed their sense of his useful services, as well as a present of far greater value would have done, in more prosperous times.

While these important events were passing, at the north,

General Washington was watching the main army of the enemy, near New York, and preparing to defend the country from their incursions. He could act judiciously, only on the defensive. The British were in possession of New York and a great part of New Jersey, with an army of veteran troops, more numerous than the American; and their fleet gave them great advantages in all their operations on the seaboard. General Washington had not a force sufficient to justify an attack on the enemy. And one attempt, if unsuccessful, would probably have ruined the cause of America for ever. It was his policy, and the dictate of wisdom and patriotism, to move with caution, and to prepare himself to meet the British army with effect, when it could be done with hope of success, or when the defence of the country fully demanded it.

The last of August, the British commander sailed from New York and landed twenty-five thousand men in Maryland, at Elk River, and not far from the borders of the state of Delaware. Washington, who was in the vicinity of Philadelphia, marched immediately to Wilmington, within a few miles of the enemy; and the militia, in the lower parts of Pennsylvania were called in to join him. The British approached within two miles of Wilmington, and then filed off for a fort on the heights of the Brandywine. General Washington perceived their design, and sent a detachment to take possession before the enemy should reach it. This movement brought on a severe action, the following morning; which continued with some short relaxations, through the day, and in which the greater portion of both armies were engaged. The British had the advantage in numbers; but by the skilful arrangements of Washington, and the bravery of his officers, the Americans maintained their position, and retired at evening in good order without being pursued by the enemy. Nearly one thousand were killed and wounded in the American army; the loss of the British was reported to be much greater. The Marquis Lafayette, who had joined the American army a short time before, and was a volunteer in the battle, was severely wounded. But he was soon after appointed a major general, though only twenty years of age. He had then been in America only a few months. A second battle was fought on the 5th of October, at Germantown, near Philadelphia, between the troops under General Washington and the British commanded by General Howe. The attack was made by the Americans, with effect; but a thick fog came on, which disconcerted the plan previously formed by Washington. The enemy could not be discerned; and different



divisions of the Americans mistook each other for British troops. A number of men were killed; but neither army could claim a victory. A small portion only of the troops under General Washington at this time, were from Massachusetts. The enemy took possession of Philadelphia for the winter; and the quarters of the American army were fixed in the vicinity, at a place called Valley-Forge. The greater part of the troops who were at the capture of Bourgoyne joined the main army at that place in November, and remained there through the winter. Their sufferings were very great from want of suitable provisions and clothing, particularly the latter.

The general court was in session the greater part of the summer and fall of 1777; and after a short recess, met again the last of November to consult for the public defence and safety. Congress had voted to call on the states for \$5,000,000; and the sum required of Massachusetts was upwards of \$800,000; a larger amount than of any other state. The assembly immediately proposed to raise a loan of \$250,000, and voted a tax of \$800,000; but paper was then the currency of the country, and its real value far below the nominal. At this session, agents were chosen to request congress to adjust the claims of the state, as it was believed its expenses had been much greater than its just proportion; and this would lessen the amount necessary for Massachusetts to raise, at that time.

Orders were issued, at this period, for raising men to take the place of those whose term of service was about to expire, who had been called out for the defence of Rhode Island, and other places on the seacoasts; and some were enlisted particularly for the defence of Boston and the public stores deposited there; as the regular regiments had been marched to the main army some time before. General Heath, then in the continental service, applied to the state for a loan of \$30,000; which was furnished; but the state had to borrow it of individuals. In February, 1778, the legislature chose a committee to confer with General Washington, as to the additional number of men he might probably require for the approaching campaign; and the committee were instructed to assure him "that the state of Massachusetts had a high and grateful sense of his incessant and unwearied services in behalf of the country, and would cheerfully cooperate with him, to their utmost ability, in endeavors to expel the enemy and to save America from thralldom and slavery." At the same time, the assembly voted to provide a full suit of clothes for all the soldiers in the continental army from Massachusetts; and to

make a grant to the officers who had been some time in service and who should promise to remain ; to field officers \$150, and to others, \$120. Some officers had then recently retired from the army, to take care of their families, which were in a destitute condition.

When the committee returned from a consultation with General Washington, the legislature called on the towns which had not furnished their full quota of men, to raise them immediately ; and directed the attorney for the state to prosecute them after a few weeks, if they should still be delinquent. As it was found very difficult to enlist men for three years, the general court voted to raise 2000 for nine months, to fill up the regiments, which were deficient, and the enlistment for the longer term to proceed also with all possible despatch. The towns were required to give these men a bounty, and the state furnished arms and other military equipments. An additional number of men, being 1500, were soon after ordered to be raised, partly for Rhode Island, and partly to defend the north-western frontier, where some British and Indians were still making inroads.

Such exertions and expenses by the people, could not be expected without an appeal to their patriotism and their love of freedom, which had been proved to be equal to every exigency. "Act like yourselves," was the language addressed to them ; "arouse, at the call of Washington and your country, and you will soon be crowned with glory, independence and peace. We must part with present ease and property, for a time ; and let us rejoice at the sacrifice. Let us anticipate the joy which will fill our minds when we shall receive the reward of our labors ; when we shall see our land flourish in peace ; when grateful millions shall hail us, as the protectors of our country's freedom, and an approving conscience shall light up eternal sunshine in our breasts."

In December, 1777, the continental congress proposed a plan of "Confederation and perpetual Union" between the states, which would give more authority to that body. Hitherto, its acts had been only advisory ; and it was provided by the proposed plan, that they should be binding on the several states. Massachusetts early assented to the system ; but some of the states declined for two or three years, which was attended with much weakness and evil to the interests of the country.

Early in the year 1778, John Adams, of Massachusetts was appointed, by congress, ambassador to France, and embarked at Boston in a continental frigate. Mr. Adams was some time at Paris, and afterwards in Holland, as minister to

the United Provinces. He was an able negotiator, faithful to his high trust, and his services proved very useful to the country. The delegates appointed to congress, for this year, were Samuel Adams, Francis Dana, Elbridge Gerry, James Lovell, and Samuel Holten. Mr. Adams had been one of the delegates from the first congress, which was in September 1774. The judges of the superior court at this time, were William Cushing, N. P. Sargeant, Jedediah Foster, James Sullivan, and David Sewall. When the general court adjourned in March, they authorized the council to provide for the defence of the state, in any exigency which might occur; and to order out 3000 men, if they should be requested by General Washington.

## CHAPTER XXI.

British Army leaves Philadelphia—Battle of Monmouth—Massachusetts Regiments—General Lee arrested—Rhode Island invaded—Militia ordered there—French Fleet—American Army retreat—Lafayette—Additional expenses and taxes in Massachusetts—New Bedford attacked and burnt by the British—Colonel Alden killed at Cherry Valley—General Gates commands in Boston sometime in 1778-9—British Government offer to negotiate—Engage the savages—Finances—Congress call for money—Attempts to prevent monopoly and speculation—Gen. Washington calls for more men—Want of provisions in Massachusetts—Officers of Army poorly paid—Convention—Further requisitions of Congress—Penobscot expedition—Further attempts to regulate the price of provision—Men and money called for—Bounties of land promised to officers and soldiers—Public Fasts.

THE British army left Philadelphia in June, 1778, and proceeded through New Jersey for New York. General Washington, with the American troops, pursued and gave them battle at Monmouth. He ordered an attack on their rear, and endeavored to bring on a general engagement; for his men and officers were in high spirits, and his numbers were respectable. General Lee, to whom an important command was assigned, failed to accomplish the object designated by the commander-in-chief, either through treachery or want of necessary promptness; and the fortune of the day was far less favorable to the Americans than it promised to have been, when the attack began. The number of the enemy, however, killed, wounded, and taken, was about 2000; and the Americans had 350 killed and wounded, or who died by the excessive heat and the imprudent use of cold water. A large portion of the troops, engaged in this affair, were from Massachusetts. General Knox commanded the artillery on that occasion, and received the special thanks of the commander-in-chief. General Lee was put under arrest for unmilitary conduct and disobedience of orders.\*

\* The battle of Monmouth was on the 28th day of June; and was long remembered as an uncommonly hot day. Massachusetts had fourteen regiments in the engagement. General Lee was tried by a military court,

The British still kept possession of Rhode Island, and by help of their fleet had command of the waters in the vicinity. They landed at Warren, in May, and took or destroyed the property of the inhabitants. And soon after visited Fall River, in the south part of Freetown, and set fire to mills and other buildings. In both these cases, they were attacked by the militia and were compelled to flee. There was a constant alarm in that quarter, for most of the summer. Great part of the militia in Dartmouth, Freetown, and Swanzev, were required to keep guard along the coast and near all the harbors in those places. And the militia in large numbers were sent on to the borders of the state, from a great distance. In August, the plan was revived of a descent on Rhode Island, to drive the British from Newport. And a great number of militia were ordered to assemble in the vicinity for that purpose. Some regiments of regular continental troops were also sent on by General Washington to aid in the design; and General Sullivan was appointed to command the expedition. Mr. Hancock, who was a major-general of militia, commanded those who went from Massachusetts. Several volunteer companies joined him, from Boston, Salem, Beverly, Gloucester, and Newburyport; and some from towns in Maine. The whole formed a large force: the British were estimated at 8000; and were strongly fortified in Newport. It was a part of the plan, that a French fleet, then expected, should assist in the expedition. The Americans passed on to the Island and advanced far towards Newport, and began to throw up fortifications. The French heard of a British naval force coming from New York and endeavored to meet them, but encountered a severe storm, and was obliged to put away for Boston harbor, after suffering considerable loss by the gale.

The British, from Newport, made an attack on the American lines, and were received with great spirit. The attack was kept up most of the day; and many were killed and wounded, both of the Americans and British; but the former kept pos-

soon after; by which he was found guilty of the charges preferred against him; which were disobedience of orders, and for a disorderly and shameful retreat: and the sentence was that he be suspended from his command in the American army, for one year. In January, 1780, congress dismissed him from his rank;—and he retired from the public service. General Lee was a foreigner, and had been in the country but a short time before the war began. He was a conceited man, and considered himself better entitled to the chief command than Washington. It was doubtful whether his conduct originated in envy towards General Washington, or whether he was sincerely friendly to the British cause.

session of their entrenchments.\* The enemy received large reinforcements in a few days, from New York ; when General Sullivan, by advice of his officers, concluded to leave the Island. The retreat was well conducted, and without loss to the Americans.†

The expenses of this expedition fell heavily on Massachusetts, which furnished a large portion of the men engaged in it. The militia were raised and paid by the state. The loss of labor, too, on the farmers, in August and September, was very severely felt. It was a time of great alarm ; and extraordinary efforts were made either to force the enemy to leave the Island, or to prevent their depredations on the neighboring territory. Their vessels visited most of the bays and harbors on the coasts, and plundered the inhabitants of their sheep and cattle, fruit and grain. A squadron entered Buzzard's Bay and landed a number of troops in Dartmouth, near Bedford village. They marched up the river, about four miles on the west side, and through that village, where they set fire to several houses, and wounded two of the inhabitants. They passed down on the east side of the river, through Fairhaven village ; and there also burnt a number of buildings. A detachment of artillery attacked them, but too small to give them much annoyance. The lieutenant commanding the detachment was mortally wounded by the British. The militia from the neighboring towns collected by evening, and obliged them to take to their boats and return to the squadron in the outer harbor. Colonel Fearing, of Wareham, commanded the militia that were out on that occasion. A large amount of property was destroyed by the enemy at this time, in the villages of New Bedford and Fairhaven.

\* About 200 Americans were killed and wounded in this engagement : among the former were two lieutenants in Col. H. Jackson's regiment, belonging to Massachusetts.

† The Marquis Lafayette was a volunteer in this enterprise. He came on from the main army, with General Greene ; and their advice and assistance were very acceptable to General Sullivan. When the French fleet put into Boston harbor, he went to that place, to consult with the admiral, and to urge him to afford further aid to the Americans. He hastened back to Rhode Island, and assisted in conducting the retreat after the reinforcements received by the British. Lafayette visited Boston again the winter following, and there embarked for France. His influence with the French ministry was highly favorable to America. He soon visited the United States again, and remained till the close of the war. He enjoyed the entire confidence of Washington ; and was the chief in active command at the capture of Cornwallis, in 1781. On that occasion, he rendered very efficient service. He visited America again in 1784, was greeted with peculiar welcome by his companions in arms, and by the whole people. After a long period of reverses and trials, Lafayette once more landed on our shores and

A party of continental troops, chiefly from Massachusetts, and commanded by Colonel Alden, of Plymouth county, who were posted at Cherry Valley, in 1778, about seventy miles west of Albany, were surprised by the British and Indians, in the month of November, and a great number of the Americans were killed or taken. It was an outpost built under the superintendence of Colonel Alden, and kept up for the defence of the inhabitants in the frontier settlements. At that period, the population was few and scattered beyond Schenectady; but it was judged necessary to have a fort in advance of the inhabitants to prevent the depredations of the enemy; and after the capture of Bourgoyne, several posts had been retained on the western and northwestern frontiers. The fort was attacked by surprise, the enemy having approached by a blind and unusual path, while two other ways to the fort were carefully guarded. The British and Indians numbered seven hundred; no notice was received of their approach, till they rushed upon the fort and the house a few rods distant, where the commander lodged; who fell before he could reach the fort. Lieutenant Colonel Tracy was taken, and about seventy soldiers were killed or captured by the savages.

In November 1778, General Gates was appointed commander of the troops in Boston and vicinity, who had before been under the command of General Ward and General Heath. There was an apprehension, at that time, of a visit by the British fleet, which was formidable both at New York and Newport; and which gave indications of preparing for some new expedition. The British commander was impatient of making an attack on places on the seaboard, which could be approached by a naval force; and there was reason to suppose that the capital of Massachusetts was his particular object. Preparations were therefore made for such an event. General Gates remained at Boston and Providence through the winter; and when he left the state he expressed his satisfaction of the measures of the general court and of the conduct of the people.

An attempt was made by the British government, in the summer of 1778, to suspend hostilities and to open a discussion for reconciliation. Commissioners were appointed to treat with congress, or with any separate state. No satisfactory proposition was made, but merely a vague promise of

made a tour of the United States, in 1824 and 5; when he was received with such honors and rejoicing, as had been awarded to no one except General Washington, the commander of the American army of the revolution, and the first President of the United States.

pardon and of favor, on condition of a previous submission. The object probably was to gain time for further preparations to prosecute the war, to detach one state, or one part of the country from the rest, or to prevent an alliance with France, which the British dreaded, and which was then expected to take place. Besides, at this period, it was the determination of congress and of all the states not to relax in their opposition to England, until their independence was fully acknowledged. The plan of reconciliation, on the terms proposed by the British ministry, was considered, even by some statesmen in England, to be vain and impracticable. The proclamation, issued by the British ministry after congress rejected the proposition, threatening the Americans with all the vengeance and cruelty which savages could inflict, was condemned by enlightened Englishmen, as unjust, unchristian and inhuman. They said "it was a proclamation contrary to humanity, to christianity and to every principle of virtuous policy; that it was their duty to soften the horrors of war, and to act as christians. But that now a war of revenge was threatened, such as Moloch in Pandemonium advised; which would fix an inveterate hatred in the people of America against the very name of Englishmen, and which would remain to the latest posterity." And Burke asked—"against whom are these dreadful menaces pronounced, but against those who are conscious of rectitude, who are acting in a righteous cause, and contending for freedom and their country?"

Early in 1779, congress voted to raise \$15,000,000, of which Massachusetts was to provide \$2,000,000. It was provided, that the amount might be appropriated by the authority of the state, but for general or continental purposes; and it was to be accounted for, on an adjustment between the state and the continent at a future time. Most of the expenses for the common defence of the country were incurred originally by each state, and a claim thence arose on congress for reimbursement, when the just proportions of the respective states for the whole aggregate amount should be ascertained.

The complaints increased, on the part of the great body of the people, of extortion, monopoly, and of the depreciation of the public paper occasioned by speculators; and the attention of congress was called to the subject. The attempt by the New England states, for this purpose, had proved ineffectual. Nor was it more practicable for congress to provide a remedy or a preventive. They recommended to the states, to regulate the prices of the common and necessary articles



of living. It was a question with some members of congress, and with others in Massachusetts, whether such a measure would be practicable or politic. The system was approved by a convention of the northern states, which was held at Hartford. The legislature of Massachusetts gave its sanction, by passing a law in favor of it. But all proved ineffectual. Public opinion was such as to make it difficult to execute the law. Many doubted the right of the legislature to prevent speculation, or to regulate the prices of articles in any measure. Personal interest prevailed with too many, who had the ability to profit by the necessities and wants of the common people. The soldiers were obliged to part with their certificates of public service at a great sacrifice, and those who had articles for sale demanded exorbitant prices. In the spring of this year (1779,) there was such a scarcity of provisions, that the attention of the legislature was called to devise some relief. The summer of 1778 had been a very dry season; the army had taken up great stores of meat and grain; the British troops captured in October 1777, were supported in Massachusetts most of the time subsequently and through the year 1778; and an embargo had been laid, so that vessels were prevented coming from the south, even if they might escape the British. The sum of \$200,000, (to be paid however, in paper much depreciated) was voted by the general court to purchase grain; and it was distributed principally among the people in towns on the seacoasts, who suffered much more than those of the interior parts of the state. Except for a few years in the early settlement of the country, the sufferings of the people had never been so great.

The condition of the army, both officers and soldiers, was still such as to require immediate relief; and congress was unable to procure it. The soldiers of the seventeen regiments raised by Massachusetts were furnished with necessary clothing; and the general court gave orders to the towns to provide for their families. And, as on a former occasion, advances were made to the officers, of different sums, according to their rank.

In the spring of 1779, General Washington made a request for a reinforcement to the continental army. He inquired what number could be raised in Massachusetts. The general court replied, that if he thought the public service required it, they *might raise* two thousand, besides those now engaged, in the continental army, at Rhode Island, and on the seacoasts. Soon after, orders were issued to enlist one thousand five hundred for nine months, and the towns were

required to furnish their respective quota. The towns which should furnish their proportions by the first of June were to receive a bounty from the state. A few weeks later, five hundred of the militia were ordered to Rhode Island and a regiment was raised to serve within the state, to defend the seacoasts.

It was proposed again by the general court, in February, 1779, to the people, to express their opinion of forming a constitution, and of calling a convention for that object. In June, a return was made of their votes on the subject. The majority given in was in favor of the measure, but many towns made no return. Precepts were issued for a convention to be held in September; and it was formed at that time. James Bowdoin was elected president. A committee was chosen to prepare the draft of a constitution; and after a few weeks, the convention adjourned to January, 1780.

Congress made a requisition for \$45,000,000; and the portion of Massachusetts was \$6,000,000. It was to be paid in their own paper, before issued, which had become much depreciated, so that the nominal sum was far beyond the real value.\* Massachusetts obtained relief, however, under this heavy demand, by a loan from Congress, for three months, of \$2,500,000. A request was also made to congress, to use the six millions for the immediate benefit of the state, as its advances were already great to the continent; congress was not able to comply with the request, but acknowledged "the great zeal and exertions of Massachusetts in the common cause."

In June, 1779, a British naval force from Halifax took possession of Penobscot. There were nine armed vessels, with one thousand troops, in the enterprise. It was believed they would commit depredations on the fishing and coasting vessels, and on the inhabitants of the seaboard. An armament was fitted out in July, to dislodge them. It was the plan and at the expense of Massachusetts, though congress was made acquainted with the expedition. The popular voice was in favor of the measure. The fleet consisted of nearly forty armed vessels and transports, with twelve or fourteen hundred men; a part of which was pressed into the service, on that occasion. The fleet was commanded by Commodore Saltonstall, and the troops by Generals Lovell and Wadsworth. The armament sailed under disadvantages, for want of time in making the preparations; and there was some disagreement between the naval

\* The paper was then about \$20 for one in specie; and it continued rapidly to depreciate, so that in 1780 it was at \$40 for one.

commander and General Lovell, after their arrival at Penobscot. The British had erected fortifications on an eminence. But an attack was soon made by the Americans; and in doing it, they were obliged to climb up a very high and steep cliff. But they resolutely advanced, though exposed to a heavy fire from the enemy; whom they drove into their entrenchment. Many of the Americans were killed and wounded in ascending the precipice. They retired to a little distance from the fort, to wait for a reinforcement from their vessels. But no assistance was received, as was expected; and in the meantime, the British were strengthened by more troops from their fleet; when all further attempts would have been desperate. The Americans retired from the peninsula; and destroying most of their vessels, proceeded to Boston by land. The country was then a wilderness most of the way to Kennebec; and the men suffered very much. A committee of the general court was appointed to inquire into the causes of the failure. Lovell and Wadsworth were acquitted of all misconduct; but the naval commander was censured for not acting more promptly in concert with them.

Further efforts were made to regulate the price of the necessary articles of living by the general court, and by county conventions; but they proved ineffectual. All those who received salaries, including the officers and soldiers of the army, suffered extremely. In many towns the people generally provided for the support of the clergy; but their losses were still great, on account of the depreciation of the paper in circulation. The evil was so great, that congress soon after negotiated loans in Europe, and made large importations of specie; and the general court of Massachusetts chose rather to raise money by taxes, than to emit more paper, which it was supposed would increase the depreciation. The public taxes were very high, and the people generally with little means to pay them.

The state was still threatened with an attack from the British, and the alarm on the seacoasts was kept up by reports of an intended invasion. There had always been state or continental regular troops stationed in Boston; and occasionally, the militia had been called in, for the defence of that place. In September, 1779, Colonel Jackson's regiment, then recently returned from the Penobscot expedition, was ordered to Castle Island, and four hundred of the militia were called out to man the other fortified places in the vicinity. £600,000, (or \$65,000 real value,) were put into the hands of the board of war, for the purchase of provisions, military stores, and vessels

for individuals, to replace those lost at Penobscot. The expenses of that unfortunate expedition added much to the debt of the state. The tax for 1779, besides the portion of the continental tax, was two millions of dollars, being \$200,000 in real value. Added to all these burdens and expenses, provision was to be made for raising men after the year expired. The term of enlistment of the men then in service, would close with the year; for but a small part had engaged for the whole war. It was an object to have the enlistments made from the men already in the army: and a committee of the general court visited the camp, to engage them for a longer time. They were authorized to give a bounty of \$300. The sum of \$700,000 was appropriated for the purpose: and advances were again made to the officers. The towns were also required to furnish clothing, to be sent on to the soldiers who should enlist anew. While efforts were making for a new enlistment, and before the numbers required were engaged, General Washington called on congress for the militia, and Massachusetts furnished two thousand, on a requisition from that body. A bounty was also given to those who engaged at this time; and a large sum besides placed at the disposal of the board of war. The general court was in session the greater part of the year 1779, from January to October; and when they adjourned, they authorized the council to call out more of the militia, if required, not exceeding four thousand. The state of the continental army was such as to render it probable they might be called for at short notice. The British had then a large force at New York, and there was an apprehension of some formidable attack from them. A public fast was appointed in Massachusetts; which was the fourth, besides those usual, after the war began; and two were also appointed by congress.

At this time, when many, both of the officers and soldiers of the army were discouraged by the protracted term of the service and depreciated paper for pay, at the instance of General Washington, congress promised the officers half pay, first for seven years, and soon after for life, if they would continue till the close of the war. To the soldiers, a large bounty was given, and a promise of land when peace should take place.

## CHAPTER XXII.

War at the South, in Georgia and South Carolina—Charleston taken—General Lincoln commanded American troops—Constitution reported for Massachusetts, and accepted—Alterations in it proposed by people of Boston—John Hancock chosen Governor—Finances—Congress propose to call in old bills—New emission of paper—Continental and State debt—Agent sent to Europe—People in Maine harassed by the British—Academy of Arts and Sciences—General Washington calls for more of the Militia—Complaints of the people.

THE principal scene of hostilities, in the autumn of 1779, was in the southern part of the United States, in Georgia and South Carolina. General Lincoln, of Massachusetts, was then the commander of the American troops in that department: but he had to contend with the enemy at great disadvantage. They were more numerous; and the American forces consisted chiefly of militia. A French fleet afforded some aid in the siege of Savannah; but it departed before the preparations for an assault were completed. General Lincoln, however, made an attack on the city; but was repulsed with great loss. He then marched to Charleston, but the British in that quarter were soon reinforced by troops from New York; and after a siege of five months, the place was taken. The besiegers were far more numerous than the Americans. No aid could justly be expected by General Lincoln; and the inhabitants repeatedly urged him to surrender. In this situation, Charleston was given up to the enemy, but on terms honorable to the American general.

In January, 1780, the convention of Massachusetts, chosen to prepare a form of civil government, agreed on a constitution; which was submitted to the people in March, for their consideration. The votes given, on the question of its adoption, were ordered to be returned in June, when it appeared that more than two thirds were for its acceptance.

The return of votes from Boston, though in favor of the

constitution, was accompanied by a proposition for some alterations, if practicable. One was, that the governor alone should have power to march the militia to a neighboring state, in time of imminent danger. Another was respecting the privilege of the writ of habeas corpus, which they wished extended, so that none should be held in confinement merely on suspicion. But the chief objection they offered was to the third article in the bill of rights. They were satisfied of the importance of having public religious worship, and religious teachers, for the order and peace of society. And they thought all the people should be obliged to pay for the support of ministers of the gospel. But they expressed the opinion, that none should be compelled to attend on teachers, except such as they chose; and that the tax of those who did not attend at all, should be for the benefit of the poor.

The Baptists generally complained of this article. For, although every one had full liberty to attend on such teacher or society as he should prefer, and there was a perfect equality of civil and religious privileges secured to every one, yet it would be necessary, to become a member of a society which was not of the standing or congregational order, to obtain a license and certificate therefor. This was said to be a hardship, and inconsistent with the idea of a perfect equality of rights and privileges. It was contended, that the civil authority should not interfere, in any way, with religion, and that the constitution should contain no restriction or provision on the subject. It was provided in the constitution, that in fifteen years, there might be another convention, to make such alterations in it, as experience should prove necessary or important. In 1795, the question was submitted to the people, and they expressed an opinion against having a convention to make any alterations. The government was organized, agreeably to this constitution, in October, 1780: when John Hancock was chosen governor of the commonwealth, by a large majority of votes, and James Bowdoin, lieutenant governor; but he declined the office.

During the year 1780, congress proposed to call in \$15,000,000 monthly, for the term of a year. The continental paper bills, which had been issued, then amounted to \$160,000,000. The proportion of this sum, for Massachusetts to redeem, was \$2,000,000 monthly: but the depreciation was then forty to one; and the real value of the monthly tax, for this purpose, was \$50,000; making \$600,000 for a year. But even this exceeded the ability of the state. It was therefore proposed to congress, that each state should become

debtors to those who bought in the continental paper, and be answerable to pay them at a future day, charging the same to account of the United States; or provide a new emission of bills, to the amount of one twentieth part of the sum called in of the bills then in circulation.

It was hoped, by having a new emission, and that only to the amount of a twentieth part of the bills in circulation, the paper would be kept from depreciation; especially as congress engaged to redeem it at the nominal value; pledged the faith of the country for such redemption; and at the same time called on the several states to provide for the payment, by instalments within six years. The old paper money was soon taken out of circulation, and the new emission was substituted in its place. But this soon depreciated also: and as the country was unable to redeem it by specie, and had a very great debt to provide for, it could not be otherwise justly expected. After this period, specie was gradually introduced into circulation; and the new bills were almost as much opposed as the old.

Besides the share of the continental debt, for which Massachusetts had to provide, the separate debt of the state, though chiefly incurred for the common defence of the country, was nominally \$200,000,000. But, on the calculation of forty for one, only \$5,000,000; which was probably more than a third part of the whole property of the state, according to the valuation of that period.\* It was believed, that Massachusetts had made such great advances, in course of the war, that it would have a large balance due from the continent: and that its debt, on a final adjustment of accounts with congress, would be much less than appeared by the above estimate.

In the spring of 1780, a tax was laid by the general court, of nearly a million of dollars; to be paid in specie, or in the new bills, then just issued; with a view to call in 36,000,000 of the old paper. A part of the new emission was ordered to be retained for the use of the state, but the greater portion of it was appropriated for the public service of the country, as congress should require. At the same session, it was voted to raise \$240,000 annually, for seven years, to enable the state to meet its engagements to the officers and soldiers of the army, and other public creditors.

The debt of the commonwealth was now very great, and

\* Probably the valuation was too low, and that one fourth part would be a more correct estimate. Real estate was then sold and purchased at a very low rate.

was the cause of complaints among the people, generally. The legislature did not escape blame, on pretence of inattention, or want of economy in making purchases for the public service. Perhaps, in some cases, the agents were not altogether so careful as they might have been. But there were very few defaulters. And it is rather matter of surprise, when the immense disbursements are considered, and the services rendered, for five years, that the debt and the taxes were not still greater. The expenses of the British, for supporting their army for five years, amounted to £37,500,000 sterling. An agent was sent to Europe, at this time, by Massachusetts, to obtain loans and goods on the credit of the state.\*

The inhabitants of Maine suffered much from the enemy at Penobscot, and a detachment of the militia, amounting to seven hundred and fifty, under General Wadsworth, was ordered to the western shores of that bay for their protection. These men were mostly residents in Maine. Some armed vessels were also ordered for the defence of that part of the state. Two companies were stationed at Machias, to prevent the depredations of the British, who had often before that time plundered the people to a large amount.

Amidst the great anxiety for the safety of the country, and unremitting efforts made for military preparations, the interests of science and of letters were not disregarded. The "Academy of Arts and Sciences" was this year instituted in Massachusetts, composed of a number of the clergy and laity, who were distinguished for their philosophical taste and pursuits. James Bowdoin was the first president of the society; a man equally celebrated for patriotism, for private worth, and for literary attainments. During the same year, a high school or academy was established at Andover, with the design of preparing young men for admission into the university, and for the business of the merchants' counting-houses.

General Washington called again for men, in the fall of 1780. The enlistments of the preceding year had not been effected to the number required. The regiments were incomplete; and he wished to have a more efficient army. He was expecting troops from France; but he proposed also to congress to raise an additional number, with the view of obliging the enemy to leave the country and sue for peace. Congress immediately called for four thousand men from Massachusetts, for six months. And shortly after, General Washington made a request for four thousand seven hundred, to be marched

\* Jonathan L. Austin, Esq., an eminent merchant of Boston.



immediately to head quarters, near New York. A portion of the continental troops was then in the southern department, under General Greene. In attempts to comply with these requests, the general court was subject to heavy complaints from the people, who charged them with demanding more than they were able to perform or endure. This led to an application of Massachusetts to the other states, to invest congress with the sole power of providing men and the other expenses for prosecuting the war. Some of the states received the proposition with favor, but it was never fully adopted.

## CHAPTER XXIII.

Session of General Court, October, 1780—Recommendations of the Governor—Sale of Refugees' estates—Loans—Appeals to the people—Massachusetts regiments reduced—State of the debt of the Commonwealth—Laws revised—Impost duties—Duty on sales at public auction—Troops sent to Rhode Island, and Executive authorized to call out more—Treachery of Arnold—General Washington called on Massachusetts for six thousand of the militia—Capture of Lord Cornwallis, in Virginia—Great expenses—British offer to negotiate—Terms not acceptable to Congress—More men called for in 1782—Additional sums required by Congress—People complain of heavy taxes—Negotiations for peace—Cod Fishery—Massachusetts' proportion of Continental debt—The people ready to despair—Population—Members of Congress.

THE first session of the general court, under the constitution, was holden in October, 1780, and the house consisted of two hundred members. In his address, at the opening of the session, Governor Hancock recommended a speedy enlistment of the men requested by General Washington; to make efforts to maintain the credit of the state; to cherish the means of education, and the observance of sabbatical institutions, which, in a time of war, were too much disregarded.

Various methods were proposed to raise money; particularly by the sale of the estates of refugees, and by loans. A large committee was appointed to obtain loans, to the amount of £400,000.\* The efforts were not very successful; only a small portion of that sum was procured.

At this period of complaints and distress, the general court published an address to the people; in which they said — "We conjure you, in the name of honor and patriotism, to give up every consideration of *private* advantage, and to assist in supplying the public treasury; as it is impossible to maintain an army if the people withhold their taxes and money. Let it be evident, that the citizens of Massachusetts are animated with

\* Of this committee were William Phillips, Edward Payne, Stephen Higginson, George Cabot, E. H. Derby, Jonathan Jackson, and E. Gerry.

the same principles which inspired them in the early stages of the contest, and that the salvation of the country absorbs every other concern. Thus shall we dash the last hope of the enemy, founded, as it may be, on *the inattention or avarice* of any part of the community."

In 1780, a new arrangement of the continental army was made, by which the regiments belonging to Massachusetts were reduced from sixteen to twelve. The older officers were allowed to retire on half pay. At this time, also, the term for which many of the soldiers had enlisted expired, and the number of four thousand two hundred were necessary to fill up the twelve regiments. A great part of these were induced, by the offer of large bounties, to engage during the war.\*

The complaints of the people continuing and increasing, the general court was induced to make a statement of the debt of the commonwealth, and of the sums requisite for the year 1781; at the same time exhorting the people to bear the burdens of the occasion, and contribute to the means of supporting the war in every possible manner. They stated that £950,000 would be required: a part of it for the common expenses of the government, a part for an instalment of the public debt, and for interest on the residue; for clothing for the soldiers; and for meeting the demands of congress, as a portion of continental expenses. For this, it was proposed to provide, by the tax of the preceding year, uncollected, by the sale of absentees' estates, by loans, and a tax of £320,000. Loans were effected to such an amount, as to afford some relief. To raise the whole sum required would be utterly impracticable, without borrowing; and yet it was highly important to maintain the credit of the state. It was also considered just to require of another gener-

\* The treachery of General Benedict Arnold, of Rhode Island, who had the command of the military post at West Point, in the fall of 1780, created a great sensation through the country. The main body of the American army was then posted at that place and vicinity. General Washington was absent for a few days, to meet the French admiral at Hartford. Arnold found means to correspond with the enemy, who were at New York, and whose armed ships had command of the Hudson, almost up to West Point. Major Andre, who came out from New York as a spy, to confer with Arnold, was taken on his return, and the treachery was discovered. Arnold immediately fled to a British frigate, in the river below, a few hours before the report was circulated. The British officer was executed as a spy; but the traitor escaped. The people were surprised at such an instance of perfidy in one who generally had the reputation of a brave and meritorious officer. Afterwards, however, it was known, that his moral character was stained by former acts of dishonesty and oppression. It was just cause of gratitude, that his treachery was seasonably discovered, and the country saved. It was a proud reflection also, that scarcely an instance of perfidy, except this, occurred during the war; especially when it was known, that others had been assailed by the tender of bribes from the enemy.

ation some exertions for the rich legacy of liberty, which was hoped to be transmitted to them. The debt of the state, at that time, on account of loans, was nearly \$1,000,000; the interest of which would make a large item of the annual tax.

When the general court adjourned, after the session of October, (1780,) which was not till the following winter, a committee was appointed "to revise the laws in force in the state, to select, abridge, alter, and digest them, so as to be accommodated to the present government." The committee consisted of the justices of the superior court, the attorney general, James Bowdoin, and John Pickering.

In 1781, congress proposed to the several states to raise money by impost, but Massachusetts did not approve of the plan, as it would be an unequal tax; the commerce of the state being greater than that of any other. The next year, however, the general court passed a law for an impost duty, and provided that it be appropriated as congress might direct, to discharge the public debt; or to be expended within the state, but to meet expenses which congress might incur for the common defence. The law was to take effect on condition the other states adopted a similar act, and appropriated the proceeds for the public benefit. Only a few of the other states adopted the plan; and nothing was collected in this way, till 1783; when an excise act was also passed, and a law laying a duty on sales at public auction.

The militia, amounting to twelve hundred, were ordered to Rhode Island in February, 1781, by request of the French admiral on that station, who was apprehensive of an attack by the British from New York. The men were chiefly from the southern part of the state, and were commanded by General Lincoln. The militia in other parts of the state were required to be prepared to march to the same place, on short notice, if called for.

When the general court was adjourned in March, 1781, it gave power to the executive, as had often been done before, to order out the militia if required by General Washington; the board of war having been discontinued. As the regular enlistments were not fully made, there was a call for more of the militia, soon after; and the towns, which did not furnish their respective quota of men, were made liable to a fine. During the spring, clothing and provisions were also furnished by Massachusetts,\* and some other states, by request of the commander-in-chief.

\* The state furnished two thousand head of cattle, four thousand blankets, and eight thousand pairs of shoes and hose at this time.

It was a more direct and sure way of obtaining supplies than by applying first to congress.

A detachment of the army near New York was sent to Virginia this season, where the enemy were numerous, and were committing great depredations. General Washington called on Massachusetts for six thousand of the militia; and the greater part of that number were engaged for three months. It was reported that he intended to make an attack on New York; but this probably was only to prevent the British sending reinforcements to their army at the south. He soon marched to Virginia with part of the main army, to oppose Cornwallis, then the British commander in that state. The British were besieged at Yorktown, in Virginia; and after some weeks, surrendered to the combined American and French armies. Generals Lafayette, Lincoln, and Knox, were distinguished on the occasion; Colonel Scammel, of Massachusetts, a brave and intelligent officer, and assistant adjutant-general in the army, was killed, during the siege, when with an advanced party. Many of the troops engaged in the siege and capture of Cornwallis were from the New England states.

The expenses of the year 1781, were as great as for any year of the war, owing to the calls of congress for pecuniary aid, and to the efforts of the general court to sustain the credit of the state, and collect outstanding taxes.

After the capture of the British army, under Cornwallis, there was great hope of peace. The administration in England made propositions for a settlement of the dispute with the United States; but the offer was to negotiate without reference to France, then the ally of America. Congress would not listen to such terms. The army of the enemy was therefore reinforced in the winter and spring of 1782; and it became necessary to keep up the military force in the states to oppose them. The militia, who enlisted for the year 1781, both for three months and nine months, had finished their term of service. New recruits were required to fill up the regular regiments, after the manner of the preceding year. Massachusetts furnished one thousand five hundred. The requisitions of congress on the states for money continued to be for a large amount. The sum required to be raised was \$8,000,000; and of this Massachusetts' proportion was \$1,300,000. Before the close of the year, congress called for the further sum of \$1,650,000. The people heard these repeated and heavy calls with unreasonable complaints. Un-

*reasonable*, because the expenses were necessary to support the war ; and there was no just charge of extravagance or improvidence on the part of the rulers. The taxes had been very great for six years, and the towns had been divided into districts, each of which was required to enlist and pay a man to join the army. Some misguided individuals attempted to stop the courts in the western part of the state. But the intelligence and patriotism of the people prevailed against the few who would have interrupted the regular course of law and justice. The least reflection must show that the burdens laid on the people were great beyond all other times ; and required uncommon virtue to endure.

When the prospect of peace increased, and congress was consulting as to the instructions to be given to their envoys on the subject, the general court of Massachusetts requested their delegates to that body to have the right and privilege of the cod-fishery secured. The British could hardly be expected to object to the right of fishing on the banks, far distant from land ; but they might wish to prohibit to the Americans the claim of fishing near their territory, either at Newfoundland, or the Labrador coasts. The members of congress from the middle and southern states felt little interest in the subject. The instructions given to the envoys, respecting the fishery, was therefore of a general character ; nor was the right to be insisted on as indispensable. It was fortunate for Massachusetts that one of the negotiators for peace was a citizen of the state, who knew the value of the cod-fishery to the people and was faithful in urging the right to it.\*

The taxes were as high in 1782, and for several subsequent years, as for the six years preceding. Besides the immense debt, the annual instalments and interest of which required a large amount, and arrears of old taxes to be collected, congress called repeatedly for pecuniary aid, to discharge pressing demands on the United States, and to make partial payments to the officers and soldiers, when they should be discharged. This year the tax in Massachusetts was £200,000 ; and as it could not be collected for some time, the state was obliged to borrow, and to pledge the tax for payment. In most cases, the state was obliged to provide for the pay of the troops, and to place it to account of the United States, to be received at a future day.

In 1783, the tax was the same as the preceding year ; new loans were obtained, and the law for an impost went into

\* This was John Adams.

operation and produced no inconsiderable revenue. An exhibit by congress stated the sum wanted for the year to be \$6,000,000; 4,000,000, to be borrowed in Europe and \$2,000,000 to be furnished by the states; of which \$320,000 would be the proportion of Massachusetts. At the same time, congress recommended to the states to raise 1,500,000 annually for twenty-five years; the proportion of which for Massachusetts would be \$224,000.

When peace was announced, in the spring of 1783, it was the occasion of great rejoicing among the people; and yet the prospect before them gave much apprehension and anxiety. The country was exhausted by the war of eight years, the debt was so immense as to lead many to say it was impossible to pay it; and the creditors, as well those who had loaned money, as the officers and soldiers who had large demands and were entirely destitute, were impatient for payment. The moment was full of difficulty, and required all the wisdom of the statesman and all the virtue of the patriot.

Soon after the peace, Governor Hancock urged the general court to make immediate provision for paying the officers and soldiers a part of their dues, and reminded them of "the obligations of the country for their meritorious services, which, (he said) should never be forgotten." An additional tax of \$470,000 was voted for that purpose. These brave men had then returned to their families, after spending some of them three, and some five and even seven years in the public service and in defence of the liberties of the country. Congress had nothing to give them but fair promises and certificates of their service and dues. They had often received the paper of the United States, when it was not worth more than twenty, or thirty or even forty for one in specie. Their certificates for wages still due were sold in the market, at one eighth of the nominal amount. Some of them depended on charity to reach their homes, where they found only poverty and want. It required all the influence of General Washington and other patriotic officers to quiet the minds of a great portion of the army, who demanded substantial proofs of public gratitude, and who were led to believe that congress might afford them some immediate relief. A few of the officers advised their companions in the army to remain together after the peace, till they should receive compensation in part, and satisfactory security for the residue. But congress had not the ability to do it. Washington promised to exert his influence in their favor; and then discharged parts of the army at different times, till the whole were disbanded. General

Knox and Colonel Brooks, of Massachusetts, were particularly active in mediating between the army and congress. But with all the efforts made, though a large body of troops were induced to retire in peace to their homes, their own privations and sufferings were very severe, and they realized but a paltry amount for their invaluable services.

At the close of the war, in 1783, the population of Massachusetts was nearly 360,000. The increase for eight years had been only 10,000. In a time of peace, for the same period, it would not have been less than 100,000. Besides those slain in battle, many of the soldiers died with sickness in camp, and many more in the prisons of the enemy. Most of the Americans who were taken, whether on sea or land, were thrown into prison-ships at New York: and many thousands died, by inhuman treatment or gross neglect.\*

\* In 1783 Mr. Hancock was governor, Samuel Adams president of the senate; E. Gerry, S. Higginson, G. Partridge, S. Gorham, and S. Holten, were members of congress. In 1784, Francis Dana, who had been minister to Russia, was a member of congress; and in 1785, he was appointed a justice of the supreme judicial court.



## CHAPTER XXIV.

Slavery discountenanced in Massachusetts—Supreme Judicial Court decide against it—John Lowell an advocate for its abolition—General Court request an adjustment of accounts and claims on the United States—and object to the appointment, by congress of any of its members to lucrative offices—Requisitions of Congress—Military peace establishment—Terms of treaty and peace with England—Massachusetts objects to some of the conditions—Time of complaint for high taxes—Governor Hancock resigns—James Bowdoin chosen governor—His political opponents—Parties forming—Public discontents—Great debt, and no system to discharge it—Speech of Governor Bowdoin, on the occasion—Proposes to pay off the debt, and to enlarge the powers of Congress to regulate foreign trade—Immense public debt—Difficult to provide for it—People complain, and resort to force—Punishment for crime.

IN 1783 the involuntary slavery of the people of color in Massachusetts was in effect condemned and prohibited, by a decision of the highest judicial tribunal in the state. An action was commenced in 1781, before a lower court, in the county of Worcester, against the master and owner of a slave for an assault and battery made by the master. The defence set up was that the person on whom the assault was alleged to be made, being a slave, the owner might beat him at his pleasure ; and was not therefore amenable to the law for an assault. The case appears to have been decided on great constitutional principles, recognised in the declaration of the bill of rights, "that all men are born free and equal."\* The master was convicted of an assault and fined. Those who continued in service afterwards, in the state, remained so rather voluntarily than by compulsion. Public opinion was altogether against domestic slavery. It was believed to be incompatible with the principles of civil liberty, for which the people had been contending, and contrary to the spirit of christianity. Instances

\*The decision of the court was, "that the man assaulted or beaten was not a slave;" and was founded on the opinion that slavery was not authorized by law or statute, and though it had been permitted to keep negroes in such a condition, the principle could not be legally recognised and sanctioned, and that the plea of the master in defence of the beating could not be justified.

were to be found, however, after that period, of the continuance of slavery, though it was probably voluntary ; as some aged persons, of this description, chose rather to remain in the families where they had long lived, than to be cast destitute on society. Before the revolution, domestic slavery was not uncommon in the large towns in Massachusetts ; and as late as the year 1774, the public papers usually contained notices of black slaves for sale. The slave-trade had indeed, been long discountenanced and forbidden, even from a very early period, (1645,) though both Governor's Bernard, in 1765, and Governor Hutchinson, in 1773, were instructed, to give a negative to bills to suppress it, passed by the house of assembly of Massachusetts. The judicial courts were opposed to it. In 1770, when an African was brought into the province by a British vessel, as a slave, he was urged to sue for his freedom ; and the court ordered him to be set at liberty. The case was decided, by reference, (as a precedent,) to the principles then recognised in England, that whenever a slave put foot on its territory he became *free*.\*

As the efforts and expenses, on the part of Massachusetts, for support of the war of the revolution, were supposed to be greater than its just share, the general court instructed their delegates, in 1784, to request a settlement of the accounts of the state : and when an adjustment was afterwards made, this was found to be the fact. The general court proposed also, at this period, that congress should have power to regulate foreign commerce for the United States ; but it was not approved by all the other states. Some of the states had also omitted to provide impost duties for a public revenue ; and this operated to an evasion of the laws for that purpose in the others. The same year the general court passed a resolution, in which they gave an opinion, that it was improper in congress to appoint any of its own members to lucrative offices.

In April, 1784, congress called for \$5,500,000, for the expenses of that year, including claims against the continent, which ought then to be satisfied : but stated, at the same time, that the \$12,000,000 before required for the term of three years, would be sufficient to meet present demands, if promptly collected. The portion of the last sum, required of Massachusetts, was \$1,800,000 ; and the state was still in arrears for this amount, in the sum of \$730,000 ; and if this could be paid, no additional tax was called for, to meet the requisitions

\* John Lowell, a celebrated lawyer, took an active part in favor of the colored people held in bondage, and offered them his professional aid, without fees.

of congress ; still, the amount due on former taxes, and an appropriation for payment of a part of the wages due the soldiers, according to a promise of the preceding year, and the bonds for impost duties, made a large sum, which it was extremely difficult to raise. Added to all which, congress called for \$636,000 in a way *confidential*, to satisfy *immediate* demands; and Massachusetts was assessed \$95,000 of that amount. There appeared to be an unwillingness to have the full demands on the country publicly known. It was afterwards found, that the sum was wanted to pay the interest and an instalment on a debt due in Europe, borrowed by Dr. Franklin for the use of the United States.

While congress was consulting on the subject of a permanent military establishment, the delegates from Massachusetts were instructed by the general court to oppose the maintenance of a large force. The expense was one objection with them; but they were opposed from principle to having a standing army in time of peace. The number of regiments proposed to be retained was six; four of infantry, one of artillery, and one of engineers. The principal argument in favor of retaining so large a force was, that the British had not given up the posts on the west and northwest frontiers, as the treaty provided; and that some tribes of Indians manifested a hostile disposition.

The treaty of peace provided, that there should be no further confiscation of the estates of refugees; that creditors should recover all bona fide debts; and that congress should recommend to the several states to restore the property of British subjects living in the provinces, still under the government of England, and who had not borne arms against the United States. The general court in Massachusetts did not readily comply with all these articles. In 1784, a law was passed, in which, assuming to be a *sovereign* state, and asserting authority to forbid the residence of *aliens*, and to decide for itself what would be a proper treatment of such persons, it was enacted, "that those who fled to the British in the revolution, were to be considered and treated as *aliens*, and not entitled, therefore, to claim and receive any property which they left in the state; that no estate already confiscated should be restored; that the credits, as well as real estates of the absentees, belonged to the commonwealth; and that they could not be allowed to return to it." It was also ordered that actions, brought in the judicial courts, by British subjects, be suspended, as the legislature doubted whether interest ought to be allowed during the period of the war. But the resolution was deemed improper, especially as it was for the judicial court, and not for the legislature, to

decide the question. Congress afterwards declared, that the treaty was binding on the several state legislatures, and enjoined a repeal of any acts repugnant to its terms. Massachusetts complied with this judgment of congress, at its next session. No further confiscations of the estates of refugees took place; some, then recently made, were restored; and the supreme executive of the state was authorized to permit the return of such persons as had not aided the British in the war.

In the winter of 1785, Mr. Hancock resigned the office of chief magistrate, on account of his feeble health; and Lieutenant Governor Cushing occupied the chair the residue of the political year. There were, however, some complaints against the governor from the people, that efficient measures had not been more promptly adopted to collect the public taxes. The arrears were of great amount, and had been standing against some towns for several years. The inability of the people was the constant excuse; and it was such as to call for all the clemency and forbearance which could be prudently exercised; but it was eventually of no relief; and the delay of collecting the taxes gave the successor of Governor Hancock more than ordinary difficulty.\*

James Bowdoin was chosen governor for the political year commencing May, 1785. This election was by the members of the general court, as there was no choice by the votes of the people. There was a vague and unjust charge against Mr. Bowdoin, of attachment to the British government,† which was made by those ignorant of his real character, and who seem to have forgotten his able services in the most critical periods of the country. Mr. Bowdoin was among the earliest and most decided opposers of the oppressive and arbitrary measures of the British ministry; he was one of the ablest opponents of Governor Hutchinson, and often received his particular disapprobation, and his refusal to a seat in the council. He was one of the five delegates first chosen to the continental congress, in 1774—and was the first president of the executive council,

\* Mr. Hancock was a sincere patriot, and gave the strongest proofs of his attachment to the liberties of the country, in the sacrifices he made of his property. Yet he was sometimes charged with a desire of popularity, and a want of firmness, which are certainly defects in the character of a public man, in periods of peculiar trials. Mr. Hancock was chosen one of the representatives for Boston in 1785; and was again appointed a delegate to congress, when he was elected president, for the short time he remained. The other delegates to congress, in 1785, were Messrs. Gerry, Partridge, Holten, and King.

† So early was this charge made, for party purposes, or in ignorance, against some of the purest patriots in the state or nation.

when the government of Massachusetts was organized in 1775, soon after the war began.

When Mr. Bowdoin was placed in the chair, the state and country were in a critical situation. The difficulties of a public nature were almost as great as at any period of the war. A spirit of discontent prevailed to such a degree, as to make the most patriotic rulers extremely anxious; and Governor Bowdoin felt all the responsibilities of his station. The demands on the state amounted to \$10,000,000, including its portion of the continental debt: and no system of credit had been adopted, to give satisfaction to the numerous creditors. The greater part, indeed, were clamorous for immediate payment. There were objections to the allowance of five years' pay to the officers of the late army, which added largely to the public debt. Some were dissatisfied with the excise as unjust, and some with the impost, as disproportionate. The commercial relations of the country had been neglected; or, if not wholly neglected, the different regulations of different states operated injuriously. The British availed themselves, in a great measure, of the carrying trade of the country. And the return of refugees, under the treaty of 1783, was matter of bitter complaint, in many places. The taxes had then been very heavy for several successive years, and the resources of the state seem to have been entirely exhausted. The majority of the people were disposed to make all possible efforts to restore and support the credit of the state: but time only could effect it. There were a few, however, in the community, who exaggerated the difficulties of the times, and imputed inability or neglect to the legislature. The public address of the governor to the general court, at this time, proves at once the burdens of the people, and his desire to provide relief.

"To maintain the credit of the state," he said, "was the first object; and this must be by a punctual payment of interest, and a gradual diminution of the principal of the public debt. Great efforts would be necessary for several years to effect it. Industry and economy would be required as aids. It must be with the state as with an individual. There should be retrenchment in expenses, and old debts be paid as speedily as possible." He appealed to the patriotism of the people to remove and overcome the difficulties which surrounded them. He then referred to the state of the commerce and trade of the country, which required particular attention, to counteract the designs of Great Britain; which, he said, had only in view the profits of her own merchants. There must be laws to regulate trade in the United States, so as to render mercantile pursuits

as profitable as they might be, and to check the monopoly and the restrictive policy of England. The state might do something for this purpose; but, in his opinion, "it was necessary to give to congress the authority to regulate foreign commerce with and for all the states." He recommended, at this time, that the powers of congress should be enlarged for that purpose. The articles of confederation he considered inadequate to the state of the country, or to provide a remedy on the subject of foreign trade; and he even suggested, that there should be a convention, to increase the authority of congress in this respect. In the same speech, the governor proposed establishing a large manufactory of pot and pearl ashes, in the interior of the state, to be supported by the government, which he believed would yield immediately a large income. At that time there was an unusual demand for those articles in England; and was the chief thing, except specie, sent from Massachusetts for the payment of English goods. But the plan was never adopted.

The general court received these sentiments of the governor with entire approbation, and manifested their purpose to give them effect. They declared their resolution to spare no efforts to support the public credit, and to provide for the payment of the debt of the state. On the subject of an increase of the powers of congress, they passed the following resolves:—"As the prosperity of a nation cannot be secured without a due degree of power in the rulers, the present embarrassed state of our public affairs must convince every one of the necessity of a revision of the powers of congress, and as it is the right and duty of every state in the union fully to communicate their sentiments to the rest, on subjects relating to their common interests, and to solicit their concurrence in such measures as the exigency may require—Resolved, that in the opinion of this court, the present powers of congress are not adequate to the great purposes they were designed to effect: Resolved, that it is highly expedient there should be a convention of delegates from all the states of the union, as soon as may be, to revise the articles of confederation, and to report to congress how far it may be necessary to alter and enlarge the same: Resolved, that congress be requested to recommend a convention of delegates from the several states, to revise the confederation and to report how far it may be necessary to enlarge the same, to secure and perpetuate the primary objects of the union."\*

\* Thus early did Massachusetts propose an enlargement of the power of congress, for general purposes; especially for regulating commerce with foreign countries, and for raising a revenue from it, to support the public credit. Governor Bowdoin is entitled to the honor of first urging it. And it was necessary such a proposal should come from the authority of the states; and not originally from the people.

These proceedings were communicated to congress, for its consideration and action; and also to the other states, requesting them to pass laws for regulating foreign commerce; but particularly urging them to give additional powers to congress, to make uniform regulations for the whole country. In October and January following, Governor Bowdoin presented the subject again to the general court, and advised that full power be given to congress, to regulate the commercial intercourse of all the states with foreign nations. The evils attending the acts of the separate states, diverse and various as they were, were felt most sensibly in Massachusetts; and the general court made some attempts to remedy them, by prohibiting British vessels to carry the products of the state; they were also forbid entering and unlading, when they brought cargoes from ports from which American vessels were excluded; and only three places of entry were allowed within the state.

The advice of Governor Bowdoin, and the resolves of the general court of Massachusetts thereon, no doubt led to a proposal by Virginia, early in 1786, to hold a convention in Maryland, composed of a committee from every state in the union, to take into consideration the trade and commerce of the country; and to agree on some general plan, or to invest congress with full power on the subject. The general court of Massachusetts appointed a committee, and some other states adopted the same course; but only five states were represented, and no plan was formed; but it was the opinion of the meeting that a convention should be held the following spring, composed of delegates from all the states, "to revise the articles of confederation, and to give sufficient power to congress to make and enforce such regulations as might be necessary for the credit, respectability, and prosperity of the country."

The requisitions of congress for large sums, in 1785 and '86, and the payments of interest and instalments of principal to be made by the state for its own debt, together with large deficits of former taxes, pressed heavily on the people, and led some almost to despair. The governor gave incessant attention to the subject of the finances of the state; far more than had been usual, or his duty was supposed to require. But he was desirous of forming some plan which would support the public credit, and afford all possible relief to the people. The proper debt of the state was \$5,000,000, and the portion of the continental debt, which Massachusetts must provide for, was fully equal to that sum. The revenue from excise and imposts, for the year 1785, was estimated at \$190,000. But a greater sum was expected from imposts; added to which a tax of

\$333,000 for fifteen years, it was calculated, would discharge the whole debt. The difficulty was to effect this. The prospect was appalling to many; and some soon became desperate, and rose in arms against the authority of the state. There was another cause of embarrassment; during the years 1784 and 1785, there were large importations of British goods on credit; the time of payment had arrived, and many who had been extravagant in purchasing, thought it first necessary to pay these debts, as far as they were able, and to leave the payment of their taxes to some future day. The governor urged the general court to make every effort to discharge the public debt. "It was difficult, (he said,) he was aware, and would require some sacrifices, but such efforts and such sacrifices must be made, or the credit and peace of the country would be lost." Had the taxes for 1781, '82, '83, and '84, been promptly paid, the pressures of 1785 and '86 would not have been so great. It would have required, indeed, uncommon exertions; but there would have been found less evils, than arose from an accumulation of burdens within a single year; or those resulting from a desperate attempt to prevent the payment altogether by a resort to lawless force.

In 1785, a change was made in the criminal law, as to certain offences which had before been punished by mere imprisonment, or by whipping and sitting on the gallows: and the punishment provided was confinement to hard labor, on Castle Island, near Boston. The feelings of the people were averse to corporal punishment, and it was believed the criminal was hardened by such treatment.

It was a question, whether confinement to hard labor was not a sufficient punishment, and whether there could not be some hope also of the reformation of the criminal. Houses of correction in the counties were not then provided; and many offenders were confined together in the jails without employment, and at leisure to devise further plans and modes of mischief. This experiment led to the state penitentiary at Charlestown afterwards; but the results of the system have been viewed very differently by different individuals, who profess to have examined into the subject.\*

\* It is now the general opinion, that the objection against the penitentiary is owing to the abuses and imperfections of the system, when first established. Many were crowded into the same room, or cell; and there was no classification for those of different degrees of criminality. These defects have been remedied; the criminals are kept separate, and are also favored with moral and religious instructions. The benefits of penitentiaries are now far greater than formerly.



## CHAPTER XXV.

The Governor urges payment of part of the debt, and a system to maintain public credit—The general court do not respond to his advice—Conventions of the people, complaining of the courts of law—Legal processes for collecting debts, and of laying so large taxes—Extra session of general court in September, 1786—Conventions of people increase—Open opposition to law—Proclamation and energetic measures of the governor—Militia called out to protect the court—Measures for the relief of the people, but not satisfactory to them—Lenity to the insurgents, and an address to the people—Insurgents continue their opposition; and attempt to stop the courts—They assemble at Springfield to prevent the sitting of the court—Militia called out under General Lincoln, and marched to Worcester and Springfield—Insurgents flee from Springfield, and are pursued to Hadley, Amherst, and Petersham, where many were taken, and the residue fled—Affairs in Berkshire.

MR. BOWDOIN was again chosen governor, in 1786, by a very large vote. In his public address to the general court, he recommended the interests of education and of the university; but the great object of his speech was to persuade them to make adequate and prompt provision for the payment of such part of the public debt, as was then due, and called for to satisfy the demands of various creditors, already long delayed; all which amounted to \$1,500,000. To maintain the credit of the state any longer, this sum must be collected; or an agreement made with some of the creditors, by payment of interest, and an arrangement which would give them confidence in the public promise of payment at a given day. The general court doubted the ability or the disposition of the people to pay the amount required; and hesitated as to laying a new tax when there were several former ones uncollected. The governor reminded them of a law of 1781, and still in force, authorizing the treasurer to issue warrants for a tax, sufficient to pay interest and principal due, for any year, even if no tax

act should be passed. And he informed the general court, that one million of dollars would be absolutely necessary to discharge present demands on the state, and to furnish the sum called for by congress. The general court, however, directed the treasurer to suspend his warrants for the sums required to pay the holders of public securities, for which the taxes had been before pledged, and which had then become due.

The representatives were generally censured for this measure ; their apology was the burdens of their constituents, and the impossibility to collect such a large sum within the year. But at the same time, they voted a tax on polls and estates to be forthwith paid, to comply with a request of congress. When a motion was made at the same session, (June 1786) to issue paper and make it a tender, it was negatived by a vote of five sixths of the house.

In their efforts to pay the amount of taxes, the personal debts of the people had been suffered to accumulate, and creditors had recourse to legal processes to collect their demands. The people held conventions in several counties, at which they passed rash and threatening resolutions, censuring the legislature and declaring "the courts of law to be engines of oppression." In some of the western counties, large numbers of the people assembled where the courts were to be holden, and prevented their proceeding to the usual business. They complained of the great amount of taxes, and of such large assessments in so short a time : of allowing such large sums to congress, and of applying so much to the payment of soldiers, (who, it was said, might wait) instead of supporting government and paying what was absolutely necessary. They complained of the fees of lawyers and of the costs of court, which they pretended were too great. They objected to the senate, as a needless branch of the government, the expense of which might be dispensed with. They also complained of the high salaries of some public offices : and they referred to the extra services of Massachusetts, which it was supposed were such as would excuse the state from paying so largely at the call of congress.

The governor summoned an extra session of the general court to be holden in September, by the unanimous advice of the council. Before the meeting of the legislature, the conduct of the people was so disorderly and alarming in some parts of the state, that the governor issued a proclamation forbidding their assembling to obstruct the regular course of law, and calling on public officers and other good citizens to use

their endeavors to prevent such meetings. But the proclamation had little effect. The spirit of discontent and misrule spread rapidly, through many parts of Hampshire, where it first appeared, Berkshire, Worcester, Middlesex, and Bristol. The court of common pleas was prevented holding its regular term at Worcester; and soon after, the supreme judicial court, at Springfield. The spirit which prevailed was a radical and levelling spirit; and yet very few probably, who attended, these unlawful meetings, expected to live without civil government or courts of law. They had not probably thought much on the subject, except to obtain present relief, under the heavy load of taxes and debts. They had no settled plan of proceeding, further than immediate remedy, by a delay of payment. The leaders were not ambitious men, nor expectants of high office, to which they could hope to obtain in quiet times. It was the lower class of people who were engaged in the rash enterprise; and the military commanders were two captains of the revolutionary army. Some of the actors had, no doubt, confused and mistaken notions of liberty, imbibed in time of the war, when nothing was heard but the liberties of the people and the oppressions of rulers. And for several years, creditors had been indulgent to those who were in debt to them, because of the difficulties of public affairs.

The governor adopted measures as decisive and energetic, as the character and condition of the people would justify. Before the supreme court convened at Springfield, which was previously to the extra meeting of the general court which had been summoned, he had given orders to major general Shepard, in that vicinity, to call out the militia to protect the court in its usual business. General Shepard collected about six hundred of the militia, many of them volunteers for the occasion. The insurgents also appeared on the morning of the day the court convened, and in greater numbers than had been expected. They were disappointed to find the court was proceeding to business, and so well protected. Some threats were made, and the court was requested to sustain no indictments against any of the party; but the judges refused to receive any message from them, and conducted with great firmness. But the inhabitants were much alarmed, and the court was adjourned on the third day. It was feared, that the insurgents would attack the militia under General Shepard; but they probably were too well convinced of his firmness and bravery. On the day after the adjournment of the court, the insurgents dispersed, much to the joy of the peaceable inhabitants. General Shepard conducted with great prudence and

moderation. The judges concluded not to proceed to Berkshire to hold the court, in the state and temper of the people.

In Middlesex and Bristol, during the same month, the insurgents met and prevented the regular business of the courts. In Middlesex, their assembling was unexpected, and the militia had not been called out. They collected at Taunton, in the county of Bristol, in great numbers. General Cobb had the precaution to order out some of the militia, but they were not so numerous as the insurgents. But by his firm and spirited conduct, they were induced to separate, without committing any acts of violence. The court, however, concluded it most prudent to adjourn.

When the general court met the last of September, agreeably to a summons from the governor, he gave them a particular account of the proceedings of the malecontents, and of the measures he had adopted, to maintain the peace and order of the state. He expressed a desire, that all proper forbearance might be shown to the people, and every practicable means be adopted for their relief; but explicitly avowed the opinion that effectual measures should be taken to restore tranquillity and order, and to maintain the authority of the government. He was sensible, he said, of the burdens of the people; but he strongly condemned the conduct of the insurgents, in their manner of seeking relief. What was proper in the executive authority he had already done; and he referred it to the representatives of the people to devise means both for the support of the laws, and the redress of any grievances which their constituents suffered.

The members of the general court, with one voice, condemned the conduct of those who had opposed the laws; and the majority appeared disposed to give sufficient support to government and its officers. A law was passed against riots and unlawful assemblies; and, after some discussion, it was agreed to suspend the writ of habeas corpus, for eight months. Some acts were passed for the immediate relief of the people, the strict propriety or expediency of which might have been doubted in other circumstances. The legislature could not annihilate the public debt, nor interfere with private contracts. But they made all real and personal estate a legal tender for the discharge of debts, and allowed collectors of taxes to take similar articles, instead of specie. The expense of lawsuits was lessened, and a process before a justice of peace provided, which saved attorney's and sheriff's fees, and a part of the sum charged to that year, was deferred to the next. While the general court was in session, it was reported that the discon-

tented would attempt to prevent the sitting of the supreme judicial court in Bristol county ; and a committee\* was chosen by the two houses to request the governor to issue orders to the major general of the militia of that division to be prepared for the protection of the court. This measure was matter of satisfaction to the friends of the governor ; especially, as it was pretended, by a portion of the people, that he was too rigid a supporter of government and law. The discontented assembled many of them with arms, to prevent the sitting of the court, as had been apprehended ; but the resolution and promptness of the major general† induced them to disperse without offering any violence. And it was proof of the lenity of government, that none of them were immediately seized and punished.

Before the legislature adjourned, a resolve was passed, offering pardon for the disorders which had been committed, on a promise to cease from all similar opposition, and taking an oath of allegiance to the commonwealth and to support the constitution and the laws ; an address to the people was also published, stating the public debt, and the object of the taxes then to be raised, both for the state and for congress. In this address, the people were solemnly warned of the mischiefs of opposition to the government ; a government of their own choice, and administered by their fellow-citizens appointed by themselves ; and urged to make an effort, by frugality, industry and self-denial, to lessen the debt, which was the price of their liberties.

On a report, that the court to be holden at Cambridge the last of November, would be prevented, by the discontented, in the counties of Middlesex and Worcester, the governor ordered out three regiments of militia to be commanded by Major General Brooks ; and required others, in Suffolk and Essex, to be in readiness to march if directed. The militia assembled, as ordered, but the insurgents did not appear ; but it was known that attempts would have been made to stop the court, if the militia had not been prompt and numerous.

General Brooks had been a colonel in the army of the revolution ; a man of great bravery and prudence. He then had the entire confidence of Governor Bowdoin, as he had through the war of General Washington. About three weeks

\* Samuel Adams was chairman of the committee, and probably moved its appointment. General John Brooks was also one of that committee.

† This was Hon. David Cobb, a distinguished officer in the war of the revolution ; and then also chief justice of the court of pleas for the county. He said " he would sit as a judge, or die as a general."

after, the court of general sessions of the peace, which was to have assembled at Worcester, was prevented by a number of armed men, who with threats forbid the organization of the court. Meetings of the discontented were also held in various other places, complaining of the acts of the legislature, at its late extra session, and declaring their resolution not to submit to the tax acts, nor to suffer the courts of law to transact the business pending before them.

Finding the lenity and forbearance of the general court misunderstood by the complainants, and a resolution manifested by their leaders still to oppose the laws and to prevent the regular administration of justice, the governor issued a general order, as commander-in-chief of the militia, to the several major generals in the state, to have their respective divisions in readiness to march at short notice, as they might be directed. With all his firmness, and his resolution to support the authority of the government, he was evidently desirous of calling on the military only in a case of absolute necessity. But the insurgents were not deterred from their evil purposes, by the preparations of the executive. They assembled in Middlesex, in December, and threatened to stop the court, then about to sit in Cambridge, though the governor had received assurance that they would not attempt to prevent it. The failure was owing to the non-appearance of a large party of the discontented from Worcester, as had been expected. Soon after, in the same month, they collected at Worcester, to prevent the sitting of the court for that county. But no further efforts were made by them; for two hundred of the militia and other citizens under arms, assembled near the court house, on the side of government. The justices, however, did not proceed to business, having been advised by the governor to adjourn to a future day, in the hope that a little delay and forbearance on the part of the executive would induce them to disperse. But, on the contrary, they collected at Worcester, to the number of one thousand; and though no acts of violence were committed, they took up their lodgings in private houses, without invitation, and otherwise gave alarm to the peaceable inhabitants.

At the same time, a large body of the discontented assembled in Hampshire county. A portion of them were disposed to proceed no further, and to accept the proffered clemency of government; but others were resolved to oppose the laws, and to seek redress by force. The more violent, as is often the fact, in such combinations, had the greatest influence, and prevailed on most, who were dissatisfied with their present condition, to continue with them, for the purpose of "bringing the

government to terms." They had a plan, at this period, in the confidence of their strength, to march to the capital of the state, to display their boasted superiority, and to liberate several of their fellow-insurgents, who had been taken in Middlesex, and confined for trial.

In this state of the interior, comprehending nearly a moiety of the territory and population, the governor directed Major General Lincoln, of the first division, who was a man of great prudence and moderation, as well as firmness, and who had been high in command in the revolution, to take measures for the protection of the capital, and also to watch the movements of the insurgents. Major General Brooks, of the Middlesex militia, had also similar orders from the commander-in-chief, at the same time.

No attempt was made to march to the capital; and after a few days, the insurgents, with some exceptions, repaired to Rutland, and lodged in the old barracks erected during the war; but soon marched to Springfield, where the supreme judicial court was to be holden according to a former adjournment. They suffered much by the severity of the cold, and some returned to their homes. It was even reported, that the leaders began to relent of their rashness; and if they could again be assured of pardon, would cease all opposition. But no specific proposition or promise was made by them to the executive; nor could the governor promise more on his part, than to recommend them to mercy. The correct course for them would have been to separate, and retire quietly to their homes; for, in that case, as no acts of violence and outrage, further than appearing with arms, and uttering threats, had been committed, a pardon would probably have been extended to all.

The insurgents, collected at Springfield at this time, amounted to three hundred. They took possession of the court house, the day before the court was to sit; and, in effect, forbid the opening of the court, though their note to the judges was in the form of a request. The judges had no protection, and considered it prudent to separate without proceeding to business. The governor probably had been led to believe that the insurgents would not appear; their condition, and the reports in circulation, a few days before, had given cause for such a belief. On receiving intelligence of the affair at Springfield, and of the continuance of the insurgents under arms, who after this transaction were increasing, the governor immediately called his council together, who advised to the measure he proposed; which was to call out the militia in sufficient numbers to quell the insurrection, before it became more formidable and danger-

ous. The general court, at its session in November, had provided for such a measure, if the exigency should require it ; but the governor chose to have the opinion of the council, whether the state of the country then demanded it. It was believed, that further lenity and forbearance would be useless, and that the spirit of insubordination might spread to such an extent, as not to be subdued. The great body of the people, in most parts of the state, were undoubtedly in favor of law and government ; but many were deceived by the leaders of the opposition, and were led to suppose the general court might have provided immediate relief. The period had arrived, when it was no longer proper to expect the discontented would submit, nor consistent with the public safety to delay measures of sufficient energy to put an end to the combination of these infatuated men. Orders were issued to raise four thousand four hundred of the militia in Suffolk, Essex, and Middlesex ; the greater number to be from the counties of Worcester and Hampshire ; a proof that many of the people in those counties were sound and correct in their opinions. Four companies of artillery were also ordered, from Suffolk and Middlesex.

The command of the troops was given to General Lincoln, in whose energy and prudence the governor and the public had the highest confidence. The public treasury was empty, but individuals loaned such sums as were necessary to meet the expenses of the expedition. The governor published an address to the people, exhorting them to aid in the support of law and order, and warning them of the evils of forcible opposition to the authority of the state. He received, at this time, a memorial from the insurgents ; but it was from men under arms in opposition to lawful authority, and of such a tenor, as rendered it impossible to comply with its demands, or to delay the measures for the safety of the commonwealth. General Lincoln was therefore ordered to march with the militia to Worcester, where the court was to be holden on the 23d of January. He arrived on the 22d, and General Brooks was directed to be in readiness to proceed for his support, if necessary. The insurgents in that vicinity retired ; but soon collected, in great numbers, at Springfield, where they intended to make a stand against the regular forces of the state, and to gain possession of the arsenal of military stores belonging to the continent. But General Shepard had been previously ordered both by the state and by congress, to take post at the arsenal, with one thousand men, of the militia, to prevent its falling into the hands of these lawless men. The insurgents, though intimidated, were not discouraged ; for they then numbered nearly two thousand. And it



became evident, that their object was not only to stop the courts, but to oppose the whole authority of the state ; and to gain possession of military stores, to enable them to act with effect against the government, till their wild schemes were accomplished.

General Lincoln was aware of the critical situation of General Shepard, and hastened to his relief ; but the insurgents resolved to attack Shepard before the militia from Worcester should arrive. They advanced towards the arsenal where General Shepard was posted, when he sent them word, that he held the place by just authority, and warned them not to approach. They still advanced, and he sent a second message to them, that he was resolved to maintain his post, and forbid their marching nearer, at their peril. But they continued to approach, and in a manner sufficiently indicative of a design to attack him. He then ordered two cannon to be discharged, but designedly intending not to strike the insurgents. Even this failed to check them ; and perceiving their purpose to attack him, he gave orders to fire into their ranks ; when three of their number were killed, and the whole party fled precipitately to an adjoining town. General Shepard was fully justified in his conduct ; and applauded by most of the citizens for his prudence and forbearance. Some of the insurgents returned to their homes after this affair ; but the leaders were not discouraged ; and many joined them from Berkshire the day following. Another attack on the arsenal was proposed, but General Lincoln arrived from Worcester with four regiments, and a battalion of artillery, which prevented the advance of the insurgents on Springfield ; and which gave great joy to the friends of government. A part of the insurgents moved up to Northampton, on the west side of the river, and were followed by General Lincoln ; and a portion of them retired to Hadley, on the east side, who were pursued by General Shepard.

But few joined the standard of the insurgents after General Lincoln reached Connecticut River. The party on the west side of the river returned to their homes, or retired to a distance in small bodies, to see the fate of the main party on the east of the river. The latter proceeded to Amherst, and thence to Pelham, and Petersham. The men with General Lincoln suffered from the severity of the weather, and the bad travelling, on account of a heavy snow ; and often found it difficult to obtain sufficient provisions. He paused at Hadley, for the repose of his men, and, as it was believed also, to give opportunity for those of the discontented who were disposed, to forsake their leaders, and cease their opposition.

General Lincoln addressed a letter to the insurgents from Hadley, advising them to separate; but the leaders required a promise from him of pardon for their conduct, which he was not authorized to make. He could only use his influence for such measures of clemency as the general court might approve. The insurgents sent a petition to the governor, proposing to lay down their arms and disperse, on assurance of forgiveness. But, at this stage of the insurrection, he did not think it proper to give any such promise, or to hold any correspondence with them while they continued under arms. The general court soon assembled, and expressed their full approbation of the conduct of the executive, and also formally declared the existence of a dangerous *rebellion* in the state.

In the meantime, General Lincoln, finding the insurgents did not disperse, but even received some accession to their party, and that a spirit of opposition and menace was prevailing in Berkshire, made a prompt movement and advanced on Petersham, a distance of thirty miles, during the night. It was severely cold, and his men suffered a great deal. General Lincoln reached Petersham at an early hour of the morning, and when the insurgents had no expectation of his approach. Most of them fled immediately, and without making any opposition; among which were the leaders. One hundred and fifty were taken prisoners. Those who were the most obnoxious to government, from their great activity and influence in stirring up and protracting the rebellion, left the state, as the only means of safety.

The militia, under General Lincoln, were engaged for thirty days only: the general court, therefore, before they heard of the dispersion of the rebels, voted to raise others for three months, unless sooner discharged. But when the intelligence of General Lincoln's success arrived, they gave authority to the governor to employ such number as he might judge necessary, and for the period he might direct.

It was known, that in Berkshire, many were illy disposed, though a great portion of the citizens were firm supporters of the measures of the government. A voluntary association of five hundred was formed for the support of order and the laws. About this time, a portion of these were met by a number of the insurgents, who fired as they approached; one of the friends of government rode up to them boldly, and ordered them to throw down their arms. Some of them fled, but the greater part gave up their arms, and took the oath of allegiance to the state, as required by a late law. Other parties of the insurgents assembled in different sections of the county,

and threatened the friends of government ; but they were soon dispersed by General Patterson, commanding the militia in that county. Soon after, a party entered Berkshire from the state of New York, but chiefly inhabitants of Massachusetts, who had then lately fled, and proceeded to Stockbridge, where they threatened the people who were known to be friendly to government, and put some of them under guard. Colonel Ashley collected the militia from the neighboring towns to quell them ; and as he approached them they fired, when he advanced and returned the fire. The fire continued some minutes from both parties ; but the insurgents soon fled, leaving two of their number slain, and nearly thirty wounded. Two of the militia, under Colonel Ashley, were also killed.

By the united prudence and firmness of the governor, aided by the majority of the legislature, the promptness of the militia in most places, and by the influence of wise and discreet individuals, an unhappy rebellion was early suppressed, with the loss of only a very few lives, and a small expense to the state. Had there not been great firmness and energy in the executive, the evil would have been far more extensive ; and had more severity been used, the records of the commonwealth would have been stained with blood for many years. Several officers of the revolutionary army gave efficient aid to the militia sent out by government, besides Lincoln, Shepard, and Brooks ; among whom were Patterson, and Ashley, of Berkshire, and Tupper, Putnam, and Baldwin, of Worcester. And most of the leading men of the revolution, not of the military, were firm supporters of the measures of Governor Bowdoin.

The most active among the deluded men, who excited the insurrection, fled from the state ; and though demanded of the authorities of the states, where they were supposed to be residing, were not apprehended. In most cases, they probably were secreted, if they did not go beyond the bounds of the United States.

When the supreme judicial courts were first afterwards holden in the several counties, many indictments were made for treason ; and six persons were found guilty in Berkshire, six in Hampshire, one in Worcester, and one in Middlesex. They were sentenced to the punishment of death, by the court. Eight of them were afterwards pardoned, and the others were reprieved.

## CHAPTER XXVI.

Boundary line between Massachusetts and New York settled both on west and east of Hudson river—Delegates to a general convention to revise the confederation—Mr. Hancock chosen governor in 1787—Objections to Mr. Bowdoin unjust—The most intelligent were his supporters—Produce a tender for debts—Governor's salary reduced—Domestic manufactures encouraged—Attempts to pay off the public debt—Federal constitution formed and presented to the states for adoption—Objections to constitution; a subject of great discussion—Small majority in its favor—Amendments proposed by the convention.

THE controversy with the State of New York, as to the claims of Massachusetts to lands west of Hudson River, was settled in 1786. The dispute was of ancient date. New York at one time denied the right of Massachusetts to any lands west of that river: and Massachusetts claimed the width of its bounds on the seaboard to the west, till it reached the extreme limits of the United States, by the treaty of 1783; excepting a certain distance from the river fully and clearly included in the early patent of New York. The subject was referred to congress in 1784, by the two states, and commissioners appointed, who held several meetings to hear the agents of each state concerned, but came to no decision. Agents from the two states met at Hartford, in December, 1786, and agreed that Massachusetts should have the pre-emptive right to two large tracts of land within the territory which it claimed, being about 5,000,000 acres; but which was a small part of the whole tract demanded; and that the jurisdiction should be and remain in New York. In 1787, these lands were sold, or the right to buy them of the Indians, for \$1,000-000. And during the same year, the bounds between New York and Massachusetts, on the *east* side of Hudson River, were definitely fixed. There had been frequent disputes respecting the line; and acts of violence were sometimes committed by those who set up interfering claims. A decision was made in 1773, by commissioners from New York and Massachusetts;

but the war of the revolution took place before the decision and agreement received the confirmation of the king.

At the session of the general court in March, it was ordered, that a portion of the tax then collecting might be paid in public securities; which proved a great accommodation to the people, who could purchase them far below their nominal value. Provision was also made by a land lottery, for redeeming \$160,000 of the public paper, which made a part of the debt of the state. Several townships of land in Maine were surveyed and divided into lots. Every ticket entitled the holder to a lot of land, more or less valuable according to its relative situation. The tickets were sold for public paper. The land was set at a low price; but there was so much wild land then in the market, that the scheme proved no better to many of the public creditors than to have disposed of their paper for a sixth part of the nominal sum.

In March, 1787, the general court voted to send delegates to a convention proposed to be holden in May following, to consider the expediency of giving greater authority to Congress, for the regulation of commerce with foreign countries, and for providing a revenue by impost to pay the public debt.\* Governor Bowdoin had suggested and urged it on the legislature in June, 1785; and they approved of the proposal, and communicated it to the other states, and to congress. The committees, which met in Maryland in September, 1786, were in favor of the proposition; the assembly of Virginia afterwards formally expressed an opinion in favor of it; and congress also recommended the measure, as necessary to the credit and respectability of the United States.

In 1787, Mr. Hancock was again a candidate for governor, and was chosen by a large majority of votes. Governor Bowdoin was also a candidate, and received a respectable support. But an opinion prevailed, that Mr. Hancock would be in favor of milder or more indulgent measures towards the people, in deferring the collection of taxes and the payment of the public debt. Mr. Bowdoin was accused of being too friendly to capitalists and to the public creditors, and of urging the payment of demands on the state. These charges were without proof; unless it was meant that he was desirous of supporting public credit, and using constitutional authority for the maintenance of law and order in the commonwealth. Nor indeed could Mr. Hancock be justly charged with countenancing the dis-

\* The delegates from Massachusetts were Francis Dana, Elbridge Gerry, Nathaniel Gorham, Caleb Strong, and Rufus King.

orders of the people, or with indifference to the public credit. And yet the former was believed to be more firm in support of the honor and authority of government, and the latter more compassionate or more indulgent to the necessitous condition of the people.\* The feelings of the citizens, in some towns, where opposition to the laws had prevailed, were displayed by electing those for representatives whose sympathies were wholly on the side of the discontented ; but these were not so numerous as to prevent resolves and votes approving or pursuing the policy of Governor Bowdoin. And the senate elected Samuel Adams for their president at this time, who had been the decided supporter of the measures of the executive in 1786.

A proposition was made, in June, 1787, for an emission of paper money, with the belief that it would afford some relief to the people in the payment of their taxes and debts, but it was not adopted. But the law was continued, allowing the debtor to tender certain articles of produce for the discharge of his debts, when specie could not be obtained. The creditor sometimes suffered by the operation of the law ; but the circumstances of the country were believed to justify the act.

A committee was appointed, at this time, to consider the expediency of lessening the salaries of some public officers. Governor Hancock relinquished one third of his salary for the year ; but stated, that he wished it might not be considered a precedent for future years. The year following he intimated his expectation of receiving the former amount ; the general court, however, did not grant it. Mr. Bowdoin had been desired to relinquish a portion of the salary, when he was in the chair, but declined doing it, from an apprehension that it would be made a precedent in future. Governor Hancock, it was reported, afterwards regretted his conduct in this respect.

In 1786, when the complaints of the people were the most general, on account of heavy taxes, an agreement was made by some of the most respectable characters in the state, to discourage the use of foreign goods, and to manufacture cloths in families for common consumption. Governor Bowdoin was at the head of this society. And it was an important measure. Had it been adopted two or three years earlier, it would have

\* Mr. Hancock was distinguished as being the friend of liberty ; and Mr. Bowdoin the supporter of the laws ; as if law and liberty might be placed in opposition to each other. Such a distinction must have been set up in later times ; but for what good purpose it would be difficult perhaps to show. Both Hancock and Bowdoin were advocates for law and liberty. The former had less firmness than the latter in supporting law ; or was more desirous of the popular favor, which prevented his maintaining the authority of law, in opposition to the popular feelings.

been of great benefit, and prevented, in some measure, the difficulties which ensued. For the embarrassments of 1786 arose, in part, from a great purchase of English goods, for the payment of which the specie was sent out of the country. The plan, however, was attended with some good, as it gave a check to the expenditure of the people for superfluities, and taught them habits of industry and frugality.

Efforts were still made, and plans devised, by the legislature, to restore and support public credit, but nothing could be done at once to secure so desirable a result. And it was hoped that sufficient power would be given to congress to provide for this most important object. Commerce increased, and afforded a revenue, which was a great help; but the avails were less than if there had been uniform regulations in all the states. This was not to be effected till congress should be empowered to legislate on the subject, for the whole union.

The general court was in session, in October, which had then long been usual; when the governor informed them that a new tax would be necessary, and that arrears of former taxes must also be collected. The legislature accordingly ordered the treasurer to issue warrants against collectors of the taxes for 1784 and 1785. The interest of the debt of the state, at this time, (1787,) was \$300,000. And such were the necessities of government, that a large sum, arising from imposts and pledges to pay interest, and soldiers' wages long due, was appropriated to meet the current expenses.

The federal constitution, formed by the convention at Philadelphia, was received by the governor, at this time, and he immediately laid it before the general court. He spoke of it as the result of great deliberation, and of a spirit of conciliation by some of the ablest men in the union, and suggested the necessity of calling a convention in the state, to consider whether they would approve of it. There were but a few members of the general court so much opposed to it, as to object to a convention, though many had objections to the former. And it was decided to submit it to a meeting of delegates, chosen in the several towns, in the manner representatives were elected to the legislature. The convention was holden in January, 1788, as proposed, and consisted of three hundred and sixty members. Governor Hancock was chosen its president.

There were various objections offered against the constitution; and the majority of the convention, when it first met, was opposed to it. Some persons had prejudices against it, which were removed by the more intelligent members. But

many were opposed to it, as giving too much power to congress, and as lessening the powers of the state legislatures, so far as to deprive them wholly of the attributes of sovereignty and independence. Biennial elections instead of annual were objected to, and the number of representatives was considered too limited. The principle recognised, that five slaves should be counted as three freemen, in deciding the number of representatives in a state, was strongly opposed. The principal objection was the first above noticed. It was said, that the states would have less power than when provinces; and that the government proposed would be a national or consolidated government, and would exercise the whole authority of the country.

It was admitted, by the friends of the constitution, that great power was given to congress; far more than under the confederation. But, it was said, that such was the design in calling a convention; that the defects and evils of the old system were seen and deplored by every one; that congress must have full and complete powers relating to all subjects of a general concern, and for regulating commerce with foreign countries; and that it should have power also to collect a revenue from commerce, for the payment of the public debt. It was further contended that the power given to congress was no greater than was necessary to remedy the evils which had existed, and to provide for the defence and welfare of the United States. The danger of anarchy, if this constitution should be rejected, was also represented to be imminent and almost inevitable.

It was the general opinion, that the government for the United States must be complete in congress, so that it should have power to enforce obedience to its laws, instead of merely recommending or advising measures for the separate states to adopt. The chief question was, in what cases and in what respects, congress should have the sole and complete authority. It was said it ought to have the power on all subjects of a general or national interest; as peace and war, a navy, foreign commerce and foreign intercourse; the collection of a revenue, and providing for payment of debts incurred by the war, which was of equal concern to all the states. But then there must be a national legislature, executive and judiciary, to give efficiency to the system; and this would be a consolidated government, and, therefore, destroy or encroach too much on the power of the separate states. Hence arose the difficulty. On this point, honest and able men differed. It was said by those opposed to the constitution, that it far exceeded the design proposed in calling the convention, which was merely to give congress power to make uniform commercial regulations, and



to impose one system of imposts for all the states, that a revenue might be raised to pay off the continental debt. But it was replied, that such a system would require full power in congress to enforce its laws touching that object; which would render courts and a naval force necessary, as well as complete authority in collectors and other officers of the customs, to be all under the control of congress, and not of an individual state. And it was shewn, that full power in congress was also necessary for the welfare and prosperity of the union, as to disputes between the states, for the disposition of public lands, and the general improvement and government of the whole.

In these respects, it was true that the new government would be a consolidated one; but that such was wanted; and without it, the states would soon become so many distinct nations and sovereignties, which would prove of infinite mischief, and probably the ruin of all. It was admitted, at the same time, that in all cases, except those of a general nature, and for the common safety and prosperity, the states should exercise the powers formerly enjoyed, and which related to the internal affairs and peculiar circumstances of each. Some of the most zealous advocates for the constitution allowed that the national government could exercise no powers except those clearly given; and that it was an essential part of the *federal* system, that the separate states should still use all authority not expressly delegated to congress for the benefit of the union.

It was thus understood and conceded, that the government proposed by the constitution would be partly *federal* and partly *national*. National, in so far as it was to legislate and provide for the general defence, welfare and prosperity of the union; and federal, in that it was to be a government of limited powers, given by the states for specific purposes, to which no individual state was competent, and in the formation of which the states were represented in a twofold view, one as an entire state, whatever was its extent, and the other as might be its relative population.

The convention in Massachusetts was in session several weeks, and the opponents of the constitution were, at an early period, the most numerous. But the arguments of its friends finally prevailed; and when the votes were given for and against it, there was a majority of nineteen in favor of adopting it. This result was probably owing to a proposition, made by Governor Hancock, that several articles should be recommended to be incorporated as a part of the constitution. This was not a condition, indeed, of its adoption; but it induced several to vote for it, in the hope that these articles would be

added. Their object was to restrain the exercise of power in congress strictly within the grants and provisions of the constitution, and to preserve to the several states all authority not clearly given by that instrument. Most of the articles proposed by the convention in Massachusetts, were approved by two thirds of the states, and became part of the federal constitution. But few states had accepted of the constitution when Massachusetts voted to adopt it; and, as it was one of the largest states, this vote probably had an influence in its favor, in some other parts of the union. General Washington discovered great anxiety while it was in discussion in Massachusetts, and was highly gratified by its acceptance.

Most of those who opposed the constitution, when it was under discussion, after its adoption had the candor to give it their support: but there was still a difference of opinion on the subject, after the federal government went into operation. Some were for a rigid construction of the clauses giving power to congress, and were jealous lest it should in any case exceed the authority delegated; while others were ready to allow discretionary powers, or to permit congress to put their own construction on the constitution.

The blessings of the federal government soon became apparent, in the increased enterprise and prosperity of the country, and in the confidence created in the public credit. But in no part of the United States were these advantages seen more than in Massachusetts. The pursuits of a large portion of her citizens were directed to commerce and navigation, and these prospered under the new government. Her debt, arising from great expenses and efforts to support the war of the revolution, was a burden and a cause of constant complaint; and this was to be provided for by congress, except a small amount comparatively, which the state alone must meet.

## CHAPTER XXVII.

Federal Government favorable to Commerce—Assumes the debt of the State in part—Debt and Taxes—Public Credit restored—Slave Trade prohibited—Conduct of Mr. Hancock towards the Lt. Governor—New York and Virginia propose another Convention—Massachusetts disapproves the plan—Members of Congress—Address of General Court to President Washington—The Brass Field-Pieces, Hancock and Adams—President Washington's Tour—Address to him—Reply of Washington.

THE federal government was organized in April, 1789; and among the first acts were those for regulating foreign trade and commerce by uniform laws, and for raising a revenue from this source, to be appropriated to the payment of the public debt. The credit of the United States was thus at once and permanently established; and by assuming a great part of the debts due from individual states, Massachusetts was relieved in some measure from the burdens which had been pressing on the people for several years. On an adjustment of expenses and advances made by all the states, and by each, it was found that Massachusetts had large claims on the general government, which would go to lessen the portion, otherwise belonging to her to pay. But even on this adjustment, the state had a great amount to be answerable for; and congress having now all the revenue arising from impost duties, the state debt was large, compared to its resources to pay. The tax for 1788 was \$220,000, while that for three years past was in great part uncollected. In 1789 it was much less; the sum required for the interest on the public debt being about \$200,000, and the support of government \$50,000; but the avails of the excise, which was laid by an act of the state, and still in force, was not sufficient to pay half of that amount. A committee of the general court, chosen in June, 1789, soon after reported that, deducting allowances by congress, and the proceeds of sales of land in New York, the debt of the state would be but a little

more than a million of dollars; but the sum necessary for the support of the civil list was to be added to this, in estimating the amount annually to be raised. The public tax was therefore reduced, after this year, far below that assessed for many previous years.

From this period, the state and whole country became prosperous, lands rose in value, agricultural produce bore a high price, commerce increased and was very profitable, and the labor of mechanics was in demand and well rewarded. The amount of revenue from the judicious regulations on commerce and navigation, was far greater than had been anticipated; and public securities, which had been often sold for one sixth of the face of them, rose to a par value. Many of the soldiers had been necessitated to part with their certificates, at a great sacrifice; but those who were able to retain them till 1789 were fully paid both principal and interest.

The legislature of Massachusetts, in 1788, again manifested its disapprobation of the slave trade, and of all traffic in human beings, by the passage of a law subjecting those who should have any concern in kidnapping and selling of negroes, to heavy penalties. The immediate occasion of the law was the forcible seizure of three persons of color, by the master of a vessel lying in Boston, with intent to carry them to the West Indies to be sold for slaves. The fine laid both on the captain and the owners of the vessel, was to a great amount; the insurance was declared void; and the relations of the persons seized (if sold in a distant country) were allowed to prosecute for the crime.

Mr. Hancock was elected governor for 1788, 1789, and each successive year, including 1793, when he died. In 1788 General Lincoln was chosen lieutenant governor, but was not particularly acceptable to Mr. Hancock. The conduct of the governor towards General Lincoln, was condemned as unjust and illiberal. The lieutenant governor had usually been commander of the castle, by appointment of the governor; and received about \$1000 for his services. As lieutenant governor, he had no salary. Governor Hancock did not appoint General Lincoln to the command of that fortress. At a future session inquiry was made, why the appointment had not been given him. The governor replied, that he had the sole right to appoint, and that it was also for him to decide, whether he would have any one to command the castle. Great complaints were made against the governor, not only for not appointing the lieutenant governor, who was thus deprived of his salary as well as the office, but for undertaking to judge of

the propriety of carrying into effect a law or resolve of the legislature. Governor Hancock claimed the right to decline executing a law of the general court, if he could not see the necessity or propriety of the law himself. This was considered a mere evasion. The governor was too intelligent to reason in this way, except that he was opposed to giving the office to General Lincoln: and he lost many friends by his treatment of that meritorious officer. A committee reported in favor of \$600 salary for the lieutenant governor, but the house of representatives allowed only \$533. The majority in that branch were the friends of the governor; but the senate were willing to do justice to General Lincoln.

The senate differed from the house, at this time, respecting a compliance with the request of Virginia and New York, that another general convention be called to prepare a new constitution, or to alter some parts of the one already proposed, and to incorporate some additional articles more favorable to the sovereign authority of the states. The house were in favor of the proposition from New York and Virginia; but the senate were opposed to the measure, as of fatal tendency. The governor, also, though desirous of some alterations, had given his opinion, in a message communicating the request of those two states, against the plan; believing it more proper to leave it to the states afterwards to act on those articles, rather than to postpone the ratification of the constitution, and wait for the result of another convention.

The first representatives from Massachusetts in congress, under the new constitution, which was in April, 1789, were Fisher Ames, George Partridge, George Leonard, George Thacher, Elbridge Gerry, Benjamin Goodhue, Theodore Sedgwick, and Jonathan Grout; the four last were chosen on the second trial. At a ratio of one representative for thirty thousand inhabitants, Massachusetts was probably entitled to twelve; but the population was not then accurately known, though it was supposed to be three hundred and seventy thousand; for, in 1784, it was three hundred and fifty-eight thousand.

Soon after General Washington was inducted into office, as first president of the United States, in April, 1789, the general court of Massachusetts addressed him, by letter, in the following terms:—"Sir: Your acceptance of your present exalted and important station affords universal joy to the people of Massachusetts. They have long felt the most grateful sentiments for your services, and admiration for your character. And they reflect with pleasure on the ardor which your presence inspired

in the alarming and novel circumstances of a war within their country, and against their civil security, so soon restored by the discipline and success of the army under your command. The unanimity of the suffrages of the states in your election, is no less a testimony of your merit, than of the gratitude of this extensive community. They have declared, by investing you with the powers of their president, their confidence in you, from the experience of your wisdom and virtues, and they delight to honor you. For your services, in their estimation, will yet far exceed their rewards. The union of the states, by a form of government intended to secure the blessings of liberty, is rendered more perfect under you, as their chief. All the advantages of that government, of our national independence, and civil liberty, may be rationally expected under your administration. From you we shall receive those examples of public and private economy, of prudence, fortitude, and patriotism, of justice, morality, and religion, which, by the aid of divine providence, insure the welfare of a community. To express the voice of our constituents, we join in the congratulations of united America, on this great event; and we earnestly implore the protection of the Almighty on your person and family; that he would afford you his divine aid in the duties of your important station, and long continue you a blessing to the United States."

On a request from the executive of Massachusetts, *two brass field-pieces*, then in the keeping of congress, were restored to Massachusetts. There were only *four* belonging to the American artillery when the war began. And all were received from that province. Two were the property of the province, and were taken by the British. The two, at this time returned to Massachusetts, were owned by individuals, citizens of Boston, and were frequently used in the course of the war. By order of congress, the following inscription was placed upon them—on one, "HANCOCK," and on the other, "ADAMS;" and on each—"Sacred to Liberty—This is one of the *four* cannon which constituted the whole train of *field* artillery possessed by the American colonies, at the commencement of the war, April 19, 1775."

After the federal government was organized, the legislation and proceedings of the separate states became less interesting and important. All which related to foreign affairs, and to subjects of general concern to the union, were under the exclusive cognizance and direction of congress. And what had been of peculiar interest, in Massachusetts, as well as in the other states, provision for the payment of debts growing out of the war, had become the duty of the general government. Yet, in

a young country, just emerging from the ravages and evils of war, much was still to be done by each separate state, for its particular improvement and welfare.

In his public address to the legislature, in May, 1789, which was soon after the federal government was established, Governor Hancock spoke of the important benefits to be expected from it, to the country and the state; and expressed his opinion that it deserved the confidence and support of the people. "But it ought ever to be remembered, (he said) that no form of government, or mode of administration, can make a vicious people happy, and that the public welfare will in a great measure depend on the practice of the social and private virtues by the people of this extensive republic; and that this commonwealth, which constitutes an important part of the general government, may increase its own prosperity, while it promotes that of the union. We must support and encourage the means of learning, and all institutions for the education of the rising generation: an equal degree of intelligence being as necessary to a free government, as laws are for an equal distribution of property. Our wise and magnanimous ancestors, impressed with this idea, were very careful and liberal in the establishment of institutions for this purpose; among which, the university in Cambridge, and grammar schools in the several towns, were believed highly important. Every necessary attention, I trust, will be paid to the former; and I can not but earnestly recommend to your inquiry, the reason why the latter is so much neglected in the state. Should any new laws be necessary on this subject, you cannot do your country a more essential service than by providing them."

A law was soon after passed, requiring all towns with two hundred families to support a grammar school; which was, in fact, but a revival of a statute enacted in the early days of the colony. By this law, towns with two hundred families and upwards, were required to employ public teachers of youth, who could instruct in the Latin and Greek languages, and who had been educated at a college. In towns containing only a less number of families, the teacher of youth was required to have a correct knowledge of the English language. Great advantages were derived from this and former laws with similar provisions, to the whole people. The teachers for all classes of children were then of a more literary and elevated character, than many have been in later periods, when towns are divided into many districts, and the teachers are scarcely thoroughly acquainted with the English language. Schools of a high order have indeed been multiplied; but the public instructors of the

lower class of children have not always been sufficiently educated.

The county of Lincoln, in Maine, which was of great extent, was this year divided into three counties: the two eastern received the names of Washington and Hancock. About the same time, there was a proposition again for the separation of Maine, and for forming it into a new state. A similar plan had been proposed in 1785. The petition was some time before the general court, but was not granted, as the majority in favor of the measure did not appear sufficiently large to justify it.

In October, 1789, General Washington, then but recently chosen President of the United States, made a tour through the New England States. He had not been in Massachusetts after March, 1776, when the British troops left Boston. His reception by the people and by the rulers of the state, was such as had never been given to any individual. All were desirous of testifying their gratitude for his public services, and their respect and admiration of his exalted character. There was a universal opinion prevailing, that to him, more than to any other individual, the country was indebted for a successful termination of the arduous struggle for liberty. There were indeed many brave men in the field, and many able men in the cabinet, and very many sincerely patriotic among the common people; or the efforts of the country never had succeeded. But so far as the issue depended upon military skill and force, the praise of victory was preeminently due to General Washington. It was not mere courage which decided the contest; but the prudence, caution, and untiring fidelity of the commander-in-chief were necessary to the success of the cause; and the people were fully sensible of the value of his essential services, and of their peculiar obligations to him for liberty and independence. The selectmen of Boston addressed him in behalf of the citizens of that ancient town, and in very respectful and affectionate terms; to which he replied, in his peculiar manner, honorable both to his feelings and his patriotism. The governor and council addressed him as follows:—"We meet you, sir, at this time, with hearts replete with the warmest affection and esteem, to express the high satisfaction we feel in your visit to the Commonwealth of Massachusetts. We can never forget the time, when, in the earliest stage of the war, and in the day of our greatest calamity, we saw you at the head of the army of the United States, commanding troops determined but undisciplined; by your wisdom and valor, preventing a sanguinary and well-appointed army of the enemy from spreading devastation through the country; and, sooner



than we had reason to expect, obliging them to abandon the capital. We have since seen you in your high command, superior to the greatest fatigues and hardships, successfully conducting our armies through a long war, till our enemies were compelled to submit to terms of peace, and acknowledge the independence of these United States, which congress had asserted and proclaimed. We have now the pleasure of seeing you in a still more exalted station, to which you have been elected by the unanimous suffrages of a free, virtuous, and grateful country. From the attachment, which you manifested, while in military command, to the civil liberties of your country, we do assure ourselves that you will ever retain this great object in view, and that your administration will be prosperous and happy. It is our earnest prayer, that the divine benediction may attend you here and hereafter; and we sincerely wish, that through life you may continue to enjoy that greatest of earthly blessings, to be accepted by the multitude of your brethren."

To this address, General Washington replied—"Gentlemen: To communicate the peculiar pleasure which I derive from your affectionate welcome to the Commonwealth of Massachusetts, requires a force of expression beyond that which I possess. I am truly grateful for your goodness towards me; and I desire to thank you with the unfeigned sincerity of a feeling heart. Your obliging remembrance of my military services is among the highest rewards they can receive: and if rectitude of intention may authorize the hope, the favorable anticipations which you are pleased to express of my civil administration will not, I trust, be disappointed. It is your happiness, gentlemen, to preside in the councils of a commonwealth where the pride of independence is well assimilated with the duties of society, and where the industry of the citizen gives the fullest assurance of public respect and private prosperity. I have observed, too, with singular satisfaction, such a becoming attention to the militia as presents the fairest prospect of support to the invaluable objects of national prosperity and peace. Long may these blessings be continued to the Commonwealth of Massachusetts. And may you, gentlemen, in your individual capacities, experience every satisfaction, which can result from public honor and private happiness." \*

\* No particular title is given to the President of the United States by the constitution; though the term "Excellency" is often applied to him. When General Washington visited Boston in 1789, every one was desirous of manifesting their great respect for his character; and they could

## CHAPTER XXVIII.

Opposers of the Federal Constitution—Federal Officers declared ineligible as Legislators of the State—Debt of United States—Congress assumed the Debts of the States—Expenses of war to Massachusetts—Public Taxes—Lotteries disapproved—Governor Hancock's views of Federal Government—Prosecutions against persons concerned in the Slave Trade—Justices of Supreme Judicial Court—Plan for a Theatre—Canal proposed across Cape Cod—Internal Improvements—Laws for keeping Lord's Day—The suability of a State—Death of Governor Hancock—Samuel Adams Lieutenant Governor—His opinion of the Federal Government.

AUSPICIOUS as was the commencement of the federal government, and high as was the confidence of the people generally, in the rectitude and patriotism of those who administered it, there was with many a jealousy of its extensive powers, or an apprehension of a tendency to encroach on the authority and influence of the individual states. This jealousy and this fear might have arisen entirely from republican feelings, and from an honest desire to prevent an individual having too great power, or holding places of trust under different governments, which might present temptations to violate or neglect one class of political duties. When the federal government was established, every citizen at once owed allegiance to that, and to the state where he lived. There was not necessarily, indeed, any collision or interference between the duties owing respectively to each. For the homage and fealty of every citizen was first and chiefly due to the commonwealth of which he was a member. His allegiance, and his duty to obey the laws of the

hardly find words fully expressive of their feelings. Governor Bowdoin, a man of plain manners, and not liable to excitement, had him at his house to dine, with a large company, when he addressed him, "Your Highness." He apologised for using the appellation; but said his feelings prompted him to use an expression more honorable than that applied to any other ruler or magistrate in the country.

United States, were particular and definite, and clearly pointed out by the constitution; or, in other words, his allegiance and obedience were due to the federal government in cases, where power was given to it, by his natural parent state, for the general good. The oath required by the constitution of Massachusetts explains this subject. It imposes allegiance, faith and obedience to the commonwealth, (excluding all other governments and powers and states) *except* in those cases, where authority was or should be vested, by the states, in the congress of the United States. Samuel Adams also well explained the subject, when he took and subscribed the oaths required, on his being elected lieutenant governor, in 1790. After taking and subscribing the oath of allegiance to the commonwealth, and before taking the oath to support the constitution of the United States, he observed, "that he considered them perfectly compatible; and that he felt himself bound by the constitution and laws of Massachusetts, except in cases, in which the state had delegated power, by the federal constitution, to be exercised by congress for the benefit of all the states, or of the union."

This jealousy and these feelings, respecting the federal government, proved the occasion of warm debates in the general court of Massachusetts, in 1790, as to the eligibility of some members elect to seats in the legislature, who were in office under the federal government. Jonathan Jackson, who was a marshal under the general government, was returned as a member of the senate from the county of Essex; David Sewall, a judge of the federal district court for Maine, and Christopher Gore, attorney of the federal district court for Massachusetts, were chosen members of the house of representatives. The senate and house acted separately on this occasion. In the former, their committee made a report unfavorable to Mr. Jackson; but the report was rejected, in the senate, by a vote of thirteen to eleven. The house decided against the two gentlemen holding their seats in that body, by a vote of one hundred and thirty-seven to twenty-four. But the question was not presented in the same form in the house as it had been in the senate. Instead of a report, the following proposition was presented in the house: "Whether persons holding offices under the federal government, similar to those declared by the constitution of the commonwealth incompatible with their having seats in the legislature thereof, have a constitutional right to retain their seats in this house?" A long and animated discussion took place, when the vote was in the negative, according to the numbers above-mentioned. By this change of the question, the objection to their holding a seat in the

general court was made to rest on the impropriety of uniting executive or judicial power with legislative, rather than that of one holding office under the federal government being ineligible to office in the state. Still there was a general opinion, that those in office under the federal government should be excluded from places of high trust in the commonwealth. With some it was the desire to keep the officers and rulers of the federal and state governments wholly distinct; while, with others, it was considered anti-republican to give many offices to any one man.

In 1790, the federal government, having the whole power of the United States for collecting and appropriating the duties of tonnage and impost, assumed a large portion of the debts of the several states, incurred for the common defence during the war of the revolution. The sum thus assumed, amounted to \$21,500,000, which was the debt of the United States, besides the liabilities of the continental congress to meet its own previous engagements. The portion of the assumed debt, in favor of Massachusetts, was \$4,000,000. Before assuming the above amount of the debts of the separate states, the federal or continental debt was \$52,000,000. The amount assumed by congress, at this time, of the debts of the several states, was according to their respective advances and expenses, on behalf of the United States, besides the expenses for the immediate and separate defence of each. Whatever any state advanced, except by resolutions and recommendations of congress, was, at this time, not admitted and not assumed. The general court of Massachusetts requested congress to assume the residue of its debt incurred for measures of defence against the common enemy: and commissioners were soon after appointed to ascertain the amount expended by the several states. It was found that Massachusetts had expended \$18,000,000. Of this \$4,000,000 had been assumed by the federal government, and 2,000,000 had been allowed and advanced by congress, at different periods of the war. Six states were found to have advanced more than their proportion, and seven, less. The largest balance was in favor of South Carolina; and Massachusetts was the next highest of the creditor states; the balance credited to the state, was \$1,250,000.

It would appear, by this statement, that Massachusetts bore the expenses of the war of the revolution, to the amount of \$10,250,000. The additional sacrifices, losses, and expenses, by the state and individuals, it would be difficult to calculate. In 1790, however, the debt of the commonwealth was much less than the sum last mentioned; as payments had been made to a large

amount, during the war and the period which elapsed between its close and the establishment of the federal government.

The general government was the occasion of great advantages, both in a public and private view; and its advocates and friends had the satisfaction early to find from it all the beneficial results they had anticipated. It gave great animation to commercial pursuits; which afforded profitable employment to various classes of mechanics. And the assumption of a large part of the debt of the several states, so diminished the amount to be provided for by each state, that the taxes were comparatively small; and the people generally were relieved of the heavy burdens, of which they had before complained. On account of arrears of taxes, remaining unpaid for several years, however, the public demands on the people were very sensibly felt. The taxes of Massachusetts were high for 1790, '91, and '92, compared to the amount assessed in later periods. But the policy of forbearance, adopted in 1784, '5, '6, and '7, should not be hastily denounced, as it probably saved the country from rebellion and anarchy. In 1791, the public tax of the state was only \$100,000, which was not sufficient for the payment of interest on the debt still owing, and the ordinary expenses of government. The reason given for not assessing a greater amount, was, that the people had then, in part, to discharge taxes of the two preceding years.\* There was a plan of raising money for the state, at that time, by sales of public lands in Maine. But the lands were very low, there being great quantities then in the market, and the expenses of surveys and agents left little for the public treasury. A lottery was also granted, for the purpose of raising money for the state; but little was collected from that system of speculation. Governor Hancock had the firmness and wisdom to disapprove it; and the general court became satisfied of its impolicy.

On several public occasions, Governor Hancock expressed his approbation of the federal constitution and government; and he did much to recommend and support it, though some of his political friends were opposed to the policy of the federal rulers. He was, however, among those who contended for the authority and powers of the individual states, except clearly delegated to congress. "We shall best support the federal system, (he said,) by maintaining the constitution and government of our own state. The federal government must stand or fall with the state governments. If the federal government

\* The tax on Boston was one eleventh part of the whole state. At a subsequent period it was nearly one sixth.

absorbs the powers of the state governments, it will become a different system from what it was intended. To maintain it, as it now is, will be best effected by preserving the state governments in all their just authority." He seems to have apprehended that the general government would assume power not intended to be given it. For he added, "the constitution is a law to the national legislature itself." When he urged to measures for maintaining the credit of the state, and for discharging the residue of the public debts, he said, "the price of our freedom has been great toil and expense; and we feel the weight of it. But we feel as *freemen*; while the people of other countries are oppressed with heavy burdens, imposed on them, not to secure, but to destroy their liberty."

A census of the United States was ordered, in 1790, when it was found that the number of inhabitants in Massachusetts was four hundred and seventy-eight thousand; one hundred thousand of which were in Maine. Not a single slave was returned in the state: and there was then no other state in the union which did not contain many.

A case was tried in the state, about this time, touching the slave trade, which indicated the opinions and feelings of the people against that odious traffic. Long before this period, slavery had ceased to be known in the commonwealth: and the inhuman practice of the slave trade had been denounced and forbidden from the first settlement of New England. A vessel was fitting out in Boston, evidently intended and prepared for that business; and two citizens, *residents* of Massachusetts, were believed to be concerned in the enterprise. The owner and captain were accordingly prosecuted, and charged with a violation of the statute of the commonwealth, prohibiting the practice and subjecting those engaged in it to a heavy fine. The persons prosecuted were convicted by the court of common pleas; and afterwards, on their appeal, by the supreme judicial court. They were fined in the sum of £200, the penalty provided by the statute. The principal objection was, that the respondents were not citizens of Massachusetts, and were liable to prosecution in the state where they belonged. But the statute made a *resident* as well as a citizen or inhabitant, amenable to the jurisdiction of the state; and it was proved, that the owner as well as the master, was sometime present at Boston, where the vessel was equipped. At a later period, the trial would have been had before a federal court.

When the judicial department of the United States was organized, William Cushing, who was then chief justice of the supreme judicial court of Massachusetts, was appointed the

first associate justice; John Jay, of New York, being appointed chief justice. N. P. Sargent was made chief justice of Massachusetts, in the room of Judge Cushing; and on the death of Judge Sargent, in 1792, Francis Dana was appointed to that place. R. T. Paine, Increase Sumner, Nathan Cushing, and Thomas Dawes, were, at this period, the other justices of that court.

In 1791, an effort was made to repeal the law of Massachusetts against theatrical exhibitions. The most active in this attempt were citizens of Boston, where, if at any place in the state, a theatre could be supported, or was much desired. A great portion of the inhabitants, and especially the aged, were much opposed to it. They considered plays generally, or frequently, of an immoral tendency; that those who appeared as actors were far from being exemplary, if not really dissolute and profligate; and that it would lead to great expenses. Those who were in favor of a theatre contended, that it was a literary and elegant entertainment, and that it would be easy to select such plays as were chaste and pure in sentiment; and therefore would be for the improvement, both of the manners and morals of the people. There were several meetings in Boston, on the subject. It was proposed to petition the general court to repeal the standing law, and to instruct the representatives to use their influence in favor of a repeal. But the proposal did not succeed. It was advocated by Perez Morton, William Tudor, and Charles Jarvis; and opposed by Samuel Adams, Thomas Dawes, Jr., Benjamin Austin, Jr., and H. G. Otis.

The plan was revived, during the year 1791, of cutting a canal across the Isthmus of Cape Cod, at Sandwich, so as to connect the navigation of Massachusetts Bay and Buzzards Bay, without making the circuit of the cape. The peninsula is narrow, at the place proposed for the canal, and such a project had been often before considered. A committee was appointed by the state to survey the grounds, and make a report as to the practicability, the advantages, and expenses of such a canal. The report of the committee was favorable to the project; but it was not prosecuted. Many intelligent men were of opinion, that it would never be of great benefit; and that in winter, when most needed, it would not be passable. The finances of the state were then such, as rather to oppose than to encourage the enterprise.

The system of internal improvements in Massachusetts may be dated at about this period. Not strictly indeed, the commencement of them; but plans for extending and increasing

them, received more than common attention. Several turn-pike roads were projected; and some of them completed within a few years. The roads generally through the country were improved; and great sums expended for this object. A project was also presented to the public for a canal from Boston, through the centre of the state, to Connecticut, and even to Hudson's River. The project was rather confined to a few sanguine individuals; for the resources of the state did not then justify the undertaking. Soon afterwards, the Middlesex canal was projected, and by the perseverance of some enterprising men, the plan was prosecuted and accomplished.\*

In 1792, a law was made for the due observation of the Lord's day, or the christian sabbath. Similar laws had been enacted in the early days of Massachusetts; and had been revived, at different times, afterwards. But the observation of the day, had become far less common than in former times, owing in a great measure to the war; and the appropriate duties of it neglected, for business or pleasure. The law was not so severe or strict in its provisions, as the former ones; but it prohibited travelling for business or amusement, and all other traffic and recreations. It was found to avail little towards the object intended. Men will not suffer compulsion in matters of worship or religion; and yet it may be proper for the civil authority to provide the means of religious worship and instruction, for the welfare and good order of society. And why not also to forbid all labor or amusement inconsistent with the observation of, or an attendance on such duties?

In 1793, the year of the decease of Governor Hancock, a suit was instituted, in the federal court, against the commonwealth of Massachusetts, by one Vassall, an alien. The governor and attorney general, as principal inhabitants of the state, received a summons by the marshal of the federal government. The governor was of opinion, that the commonwealth was not amenable to that court, or to any judicial tribunal. He summoned a special session of the general court, which was holden in September; and in his public message to them, he observed, "that in his opinion the state could not be compelled to answer to a civil suit, as it would be utterly incompatible with its sovereignty.† The subject was discussed for

\* James Sullivan, Loammi Baldwin, and James Winthrop, were the principal.

† The governor was in very feeble health at the time; and he gave the address to the secretary, to read. When the secretary had read it, the governor said "I rely on your candor, to pardon this mode of addressing you. I feel the seeds of mortality growing fast within me. But I think



several days, when the legislature passed a resolve, in agreement and support of the opinion of the governor.\* The resolution was as follows: "That a power claimed, or which might be claimed, of compelling a state to become a defendant in a court of the United States, at the suit of an individual or individuals, is unnecessary and inexpedient; and, in its exercise, dangerous to the peace, safety and independence of the several states, and repugnant to the first principles of a federal government." The representatives and senators in congress from the state were requested and instructed by the legislature to endeavor to obtain an amendment to the constitution of the United States, with a view to prevent a construction of any clause or part of it, which should go to compel a state to answer in a civil suit, before any federal judicature.

An article was accordingly soon after added to the constitution denying the authority of the United States courts to oblige a state to answer before it, to the civil suit of an individual. The article is as follows:—"The judicial power of the United States shall not be constructed to extend to any suit in law or equity, commenced or prosecuted against one of the United States, by citizens of another state."†

This was a singular proceeding of an individual state in opposition to the federal government, or in interfering with a branch of that government, as to its power, or the meaning of the constitution whence that power was claimed. It was, in effect, a refusal to obey the authority of that government, until the voice of the people could be obtained on the subject. It was a single state undertaking to say, that the constitution had been misconstrued, and the judiciary had exceeded the power given to it by the constitution; and a resolution not to submit to the authority which it assumed, until it was ascertained, by an appeal to the states, that the authority was given by that instrument.‡

I have, in this case, done no more than my duty, as a servant of the people. I never did, and I never will deceive them, while I have life and strength to act in their service."

\* The vote in the house, was 107 to 19.

† The preamble to the resolve was—"Whereas a decision has been had in the supreme court of the United States, that a state may be sued in that court by a citizen of another state, which appears to be grounded on the clause of the constitution, giving authority to the federal judiciary, in cases between a state and citizens of another state." And the governor said, in his message, "that he could not conceive, when the constitution was adopted, that it was expected by the people that a state should be held to answer on compulsory civil process to any individual."

‡ If the general government is not a federal, but a national or consolidated government, the conduct of Massachusetts would have been condemned as

After the death of Governor Hancock, Samuel Adams, who was Lieutenant Governor, filled the office of chief magistrate for the remainder of the political year; and was then elected governor for three years, successively; when he was induced, by the infirmities of age, to retire from public life.\* Mr. Adams was one of the most firm and determined assertors of constitutional liberty, during the controversy with the British ministry, which was maintained for ten years before hostilities began in 1775. He was among the first few intelligent and resolute men, (in some respects, perhaps, the most firm among them,) who opposed the claims set up and the measures adopted by the administration in England, which tended to abridge the liberties of the colonists, and to subject them to a distant government, in which they were not represented. He was opposed to arbitrary principles, even more than to the oppressive measures of ministers in the parent country. His object always seemed to be to contend for constitutional principles, and to show that the conduct of administration was in violation of them. And in this he succeeded, in the opinion of his fellow-citizens generally. He had much of the puritan in his character and manners; and yet was not very different, in this respect, from his contemporary, Governor Bowdoin; or from Governor Strong, of a little later period.†

Mr. Adams was one of those who had objections to the constitution of the United States, as giving too much power to the general government, and as encroaching unduly on the rights and authority of the individual states. He was opposed to the constitution, in the convention of Massachusetts, on that ground. But he voted for it, with the articles proposed in that convention, most of which were afterwards adopted by the other states. He retained a jealousy of the accumulation of power by the federal government, and of its tendency to consolidation. He was in favor of a federal, but opposed to a national government. It is important to know the views of such a man as Governor Adams, of the federal government, especially at this early period. In January, 1794, after referring to the origin and cause of the new government, which had far more extensive power, than under the old confedera-

altogether improper and dangerous. And it is to be considered, also, that the case was not referred to the people by conventions to decide, but to the legislatures of the several states.

\* Governor Adams was 76 when he resigned the office of chief magistrate, in 1797.

† Mr. Strong was first chosen governor in 1800, and he manifested particular respect towards the venerable patriot, ex-governor Adams.

tion, Mr. Adams said, "it was judged that the great affairs of the United States, which before were entire sovereignties, could not be well conducted under the direction of several distinct governments. They therefore formed a federal constitution; by which certain powers of sovereignties are delegated to the persons chosen to administer the general government, to be exercised conformably to and within the restrictions of the constitution; and all powers not vested in congress, remain to the states individually. Great caution is necessary, lest any degree of infringement take place, either on the rights of the federal government, or on those of the several states." Such were the views of most of the friends of the federal constitution and government at that period. Consolidation was avowed and advocated by very few. While it was admitted and contended, that the full powers of the federal government should be exercised, as essential to the welfare and prosperity of the United States, it was insisted, that the power, not clearly given, must remain with the individual states; otherwise the compact would be violated, and the liberties of the people be in danger.\*

In the same speech, Mr. Adams referred particularly to the principle of civil and political liberty, recognised "by the constitution of Massachusetts, "that all men are born free and equal; and have certain natural, essential and unalienable rights;" which he said, "he considered to be guaranteed by the author of nature and implied by the christian revelation." He referred to these first principles, he said, "because he fully believed, that on them depended our free republican institutions, and the social welfare of the people."

\* Because, in the several state constitutions, there was a bill of rights, limiting the powers of the government and rulers; and, if the federal government was not amenable to the states, by which it was formed, and could exceed the authority delegated, it would be responsible to no controlling power, and would exercise authority to an indefinite and unlimited extent.

## CHAPTER XXIX.

Dispute with France;—and with England—Formation of parties—Attachment to France—Antipathy to England—Censures of the conduct of the federal Executive—Treaty with England, 1794—Objections to it—Causes of party opinions—Views of federalists and of anti-federalists—Governor Adams—His political opinions—His recommendations of support for schools and teachers of religion.

At this period, (1794,) there was a general and strong feeling prevailing through the United States, on the subject of the French revolution. This feeling it was natural for the American people to possess, as the French nation had afforded great assistance to the United States in their struggle for freedom and independence, and as that people were then believed to be seeking a more mild and free government. These considerations operated with all classes of people in the United States, in favor of the revolution in France in 1792 and 93. But when, under the pretence of seeking for political freedom and of merely opposing despotic power, as exercised by the king and his ministers, it appeared, that factions and cabals had taken their place, and that the greatest cruelties and outrages were committed in the name of liberty, the friends of government and order in America were alarmed, and withheld their approbation, which before had been fully expressed. Many citizens of the United States not only strongly condemned these excesses, but they began to doubt the favorable result of the French revolution. And in their condemnation of these excesses and cruelties, spoke with less severity against the former government of France and against monarchy in general. Others were ready to apologize for these excesses, as unavoidable in a revolution of an old and despotic state; and to censure the factions less severely than was reasonable. It was not, however, a mere abstract question, or one addressed

solely to the sympathy of the people of the United States. The citizens of France, who assumed power, on the deposition and execution of the king, interfered with the government of this country, made demands on it, and assumed to dictate what measures it would be proper for it to adopt, in a manner incompatible with the sovereign rights of the United States. It became, therefore, a question of practical importance what course to pursue. General Washington, then chief magistrate of the union, though justly sensible of the assistance of France in the war of the revolution, and desirous of a reform in the French government, which would be favorable to the liberties of the subjects, was not disposed to compromit the peace and welfare of the United States, by joining that nation in a war with other European powers. He issued a proclamation of neutrality, forbidding the citizens of America to engage in the contest, in any way, between France and the other powers of Europe; and prohibiting French agents from fitting out armed vessels in the ports of the United States.

This policy of the federal administration was generally approved by the people; but there were some who condemned it, as ungrateful to France, and as deficient in that decided spirit in favor of liberty, which became the American republic, towards the new republic in Europe. That portion of the citizens of Massachusetts, who were of the latter character, gave their support to Governor Adams, and claimed him as their political friend. But he never justified the excesses and cruelties committed by the revolutionary factions in France, though he was not so early in condemning them, or in despairing of civil liberty in that country, as some others were. Afterwards, he reprobated their conduct as expressly and as severely as others. And, at the time the feelings of the country were most excited, by the improper interference of the French minister to the United States, whose conduct was justified or excused by some of the people, Mr. Adams publicly declared his confidence in the wisdom and patriotism of General Washington, then the chief magistrate of the United States.

From this period is to be dated the origin of two great political parties, into which the state and country were divided, for several subsequent years. The parties, indeed, began rather at the formation of the federal government, in 1789; for then the people were divided in opinion, as to the excellence, and expediency even of that government. By those who made great professions of republicanism, it was objected that the federal government approached too nearly to monarchy. But the

beneficial effects of that government had reconciled many who were opposed to the constitution. The parties, indeed, continued to be thus distinctly marked, but not with much bitterness or warmth. The French revolution, and the policy of the federal government, relating to the measures of that nation, served more distinctly to mark the difference between these parties. And when President Washington, in 1794, instituted a special embassy to England, to settle difficulties with that government, and to maintain peace with that nation, if it might be honorably effected, in preference to uniting the destiny of America with France, and joining her in a war against Great Britain, the party professing to be most republican, which had opposed the federal constitution, and the proclamation of neutrality, became more explicit and more open in their censures. This class of the citizens, in their gratitude to France and their love of republican freedom, as well as from prejudices against England, and a fear, perhaps, of an alliance with that nation, were inclined to assist the French people, even at the hazard of a war with Great Britain; while the other portion, denominated federal republicans, agreeing with General Washington and his cabinet, felt no desire and no obligation to make common cause with France; and chose rather to make an effort to preserve the commerce and peace of the country. From this period, the two parties became more apparent; and on some occasions their feelings were quite exasperated towards each other. In the warmth of their political disputes, they sometimes lost their moderation and candor, and applied epithets and made charges, alternately, which were unjustifiable and unfounded. The federal party was charged with being in favor of monarchy, and friendly to Great Britain; and the democratic, or anti-federal party, was accused of being so devoted to France, as to be willing to hazard the welfare and peace of the United States for the prosperity of that nation. Sometimes even bribery was charged by each party on the other, in the heat of controversy; but without proof, or any evidence sufficient to justify belief. And many who opposed the policy and measures of the federal administration, were advocates for liberty, in such a sense, or to such an extent, as was incompatible with the due authority of law and government.

In pursuance of the instructions of President Washington, Mr. Jay, one of the purest patriots of the revolution, formed a treaty of amity and commerce with Great Britain, in 1794; and thus fortunately prevented an open rupture between that coun-

try and the United States, which the French rulers of that period attempted to produce, and which even some American citizens seemed ready to justify. Owing to former prejudices against England, and to the belief, that the treaty was not sufficiently favorable to the commerce of the United States, it was denounced before it was thoroughly understood; and in Boston, there was a meeting at which it was condemned, "as injurious to the interests of navigation, as derogatory to the character of the government, and dangerous to the peace of the country." \* The chamber of commerce, in that town, soon after gave an opinion, that the treaty would be more favorable than had been feared, and that it would be proper to ratify it. To the citizens of Boston, General Washington said, in reply: "In every act of my administration, I have sought the happiness of my fellow-citizens. For the attainment of this object, my principle is to overlook all local and partial considerations, to consider that sudden impressions, when erroneous, would yield to candid reflection, and to consult chiefly the permanent interests of our country. The constitution is the guide, which I can never abandon: and it assigns to the president and senate the power of making treaties with foreign nations. It was, doubtless, supposed, that two branches of the government would combine, without passion, and with the best means of information, those facts and principles on which the success of our foreign relations will always depend; that they ought not to substitute, for their own convictions the opinions of others, nor to seek truth through any channel but that of a temperate and well informed investigation." In reply to the Boston chamber of commerce, he said: "While I regret the diversity of opinion which has been manifested on this occasion, it is a great satisfaction to learn, that the commercial part of my fellow-citizens, whose interests are most directly affected, generally consider

\* Perhaps, there can be no greater evidence of the unpopularity of the treaty agreed to by Judge Jay with England, in 1794, than the almost unanimous vote of a Boston town meeting, attended by the political friends of Washington, and supporters of the federal government, at that time. It is true, however, that the meeting was got up at short notice, and the report was, that the treaty was highly injurious to the commercial interests of the country. But the fact affords proof of the great mischief of acting under a sudden excitement. The treaty had not then been published. General Washington gave a gentle rebuke to the Bostonians, on this occasion; which they indeed justly deserved, but which they would not have received from any other president, without a prompt expression of their feelings. The opinion expressed by the chamber of commerce, in Boston, a few days after, when there had been time fully to consider the terms of the treaty, was very different from the resolutions of the town, which were adopted under the influence of a popular excitement.

the treaty as calculated, on the whole, to procure important advantages to our country."

In this season of general prosperity and of advancement in wealth, the interests of education and of letters were also zealously cherished. A society was formed in Massachusetts, in 1794, for the purpose of collecting and publishing such manuscripts, pamphlets, and documents, as would serve for materials of a correct and full history of the state from its first settlements. The labors of the society have proved very useful in promoting the objects proposed by its liberal founders. Of these, Rev. Dr. Belknap was the principal; his early fellow laborers were James Sullivan, James Winthrop, William Tudor, Rev. Peter Thacher, Rev. John Eliot, Rev. James Freeman, and George R. Minot. The same year a college was established at Brunswick, in that section of the state called Maine, and afterwards formed into a separate commonwealth. It received the name of Bowdoin College, in honor of Governor Bowdoin, who was a distinguished public and literary character in Massachusetts; and whose son gave a large part of his patrimonial estate to the institution. It soon became a great benefit to that part of the country; then and afterwards rapidly increasing in wealth and population.

The political parties in the state and country, originated and distinguished as before related, continued for several years, and occasionally manifested great asperity and bitterness towards each other. Both were sensible of the necessity of good government, and were attached to republican freedom. No one could be more decided in favor of rational liberty than General Washington: no one could be more ready to support the laws than Governor Adams.\* Yet some of the supporters of the former were probably in favor of a stronger government than the federal constitution provided; and some of the adherents of the latter avowed sentiments dangerous to the peace of society, and incompatible with the authority of government. The great dispute with the majority of each party was, as to the best measures of maintaining constitutional authority and liberty. The anti-federal or democratic party were most apprehensive of encroachments on liberty; and therefore chiefly desirous of adopting measures to prevent them. The federal party, sensible of the necessity of good government, and fearful of the

\* This reference is made because General Washington was at the head of the federal administration, at this time; and Governor Adams was deemed the head of the democratic party in Massachusetts.



effects of the demoralizing and leveling principles which were prevailing in France, and insinuating into society in America, were particularly careful to guard against misrule, and to support the legitimate powers of government; not, however, by any arbitrary measures or by abridging the constitutional liberties of the people. The latter aimed rather to make the constitution their rule and guide, than the opinion of a portion of the people, prematurely expressed under sudden excitement, though pretended to be the public sentiment, when the sober and reflecting part of the community had different views.

It would be incorrect and uncandid to characterize the parties by saying, one was for liberty without law, and the other, for law without liberty: both were friends of constitutional liberty and law. The question was as to the best and surest means of preserving the former, and of supporting the latter. And the dispute arose from prejudices and partialities growing out of a former period, the war of the revolution, when the British were the enemies, and the French the friends of the United States.

The extensive powers of the federal government served to strengthen, but did not give the greatest force to the different views and feelings of these parties, and yet, at a later period, when the partialities for France, in a great measure, ceased to operate, the political parties continued; owing chiefly to a disposition in one party to extend the powers of the federal government, by a liberal construction of the constitution; and, in the other, to the principle of consulting the people, as to its meaning and design. Thus both parties deviated from the directions of that (almost) sacred instrument; the one justifying any exercise of power by inference; and the other making it less a guide, than the pretended opinion of the people, however hastily formed and expressed.

Like his predecessors, Hancock and Bowdoin, Governor Adams frequently expressed his sense of the importance of the religious and literary institutions of the state; and officially recommended to the legislature to make suitable provisions for the support of christian teachers, and of instructors of youth, at the public expense. He was one of the framers of the constitution of Massachusetts, and had a principal share in preparing the bill of rights, which declares it the duty of the rulers of the commonwealth to provide for the maintenance of public schools, and of religious worship and instruction; but leaving it to the people, in the several towns and districts, to choose their respective teachers, and to determine their compensation.

The statesmen who framed the constitution were fully sensible, that the intelligence, moral habits, and good order of the community were chiefly to be attributed to the institutions, long maintained in Massachusetts, for christian worship and instruction, and for the education of children of all classes and grades of the people. The third article of the bill of rights, which is a part of the constitution of Massachusetts, was not agreed to by the convention which formed that instrument, without long discussion and deliberation. There was a desire in the convention to provide by *law* for the support of public religious instruction in all the towns in the state, as well as for public schools for the whole population, with a view to social order, but to allow every citizen perfect liberty of conscience, as to the forms of worship, and the peculiarities of speculative opinions. In 1833, the third article was stricken out of the bill of rights, by the consent of the people, on recommendation of the general court

## CHAPTER XXX.

Mr. Adams President of United States—Political parties continue; and party feelings strong—Mr. Adams's opinions and character—Governor Adams declines—Judge Sumner elected—State of public opinion—Governor Sumner rechosen—Difficulties with France—Measures of defence.

THE two great political parties, dividing the people of Massachusetts, as well as of the other states, nearly in equal numbers, remained when John Adams was elected President of the United States, in 1797. General Washington had held the place eight years, and then positively declined a reelection. Mr. Adams had been vice president while General Washington was the chief magistrate; and he had filled several highly important and responsible stations in the general government with great ability and integrity. He was one of the first delegates to the continental congress in September, 1774; and continued to be appointed every year after, till he was sent ambassador to France, in 1778. He continued in Europe several years, in a public capacity, where he rendered essential service to the United States, during the latter period of the war of the revolution, both in France and Holland; in negotiating the peace of 1783; and, afterwards, as envoy to the British court. But there were prejudices cherished against him by a portion of the people, who were ignorant of his true character, or who misrepresented his political views from sinister motives. He never had the entire confidence of so great a portion of the country as Washington possessed; and it was even pretended, that he was in favor of monarchy; especially of a limited monarchy, like that of England. And in some of his political writings, he had spoken in commendation of various parts of the British constitution, compared to other European governments. At an early period of the French revolution, he had also predicted the errors and excesses with which the people of that nation were afterwards chargeable.

Under the administration of President Adams, the opposition to the federal government increased, and the parties became still more distinctly marked and known. This was particularly the case in Massachusetts. While Governor Adams was a candidate, though he disapproved of some of the measures of the federal administration, he had no formidable rival. Some were dissatisfied; but they either presumed his opposition would not be violent or general, or that it would be vain to set up an opposing candidate, when he gave notice, in the beginning of 1797, that he declined the suffrages of the people, because of his age and infirmities. There was then a candidate for the place of chief magistrate offered by each political party in the state. Increase Sumner, one of the justices of the supreme judicial court, who was supported by the federal party, was elected. Moses Gill, the lieutenant governor, and James Sullivan, the attorney general, were also candidates for the office. They received the votes of the anti-federal party, being considered more in favor of the power of the states and of the liberties of the people, but not avowed or decided opposers of the measures of the federal government.

In his first public address to the general court, on being inducted into office, June, 1797, Governor Sumner spoke with decided and entire approbation of the policy and measures of the federal administration. He expressed his belief of the wisdom and prudence of the course pursued by General Washington, and as having been necessary for the peace, prosperity, and honor of the United States. And he declared his confidence in the intelligence and patriotism of President Adams, as qualifying him to administer the government with safety to the country, and in accordance with the great principles of the constitution. President Adams was a decided and zealous friend of commerce; and this rendered him more acceptable to the people of the eastern, than to those in the southern and western parts of the union. The treaty with Great Britain also operated more favorably than had been apprehended or predicted; and this removed one great objection to the federal administration. Still the conduct of the two great belligerent powers in Europe, was such as to be injurious to the rights of neutral nations; and to none more than to the United States.

The commerce of America, at this period, (1797,) was subject to frequent depredations. In their plans to injure each other, both France and England were chargeable with committing great injustice and outrage on the merchants of the United States. The people loudly complained, and many were desirous of retaliatory measures. Some demanded war against

England, and some against France ; and some advised to retire from the ocean, as the only wise and safe expedient.

In this state of the public mind, and with these conflicting opinions, the federal administration had much opposition to encounter, and the discharge of its duty to the country was extremely difficult. It was impossible to satisfy all the people, and not easy to decide which was the just and safe course. To maintain its neutral position, and to preserve peace if possible, seemed to be the policy and the wish of the administration. But it owed something to its own honor, and more to the interests of the people: and it was said, there was a point beyond which forbearance would neither be honorable nor safe. The majority of the people in Massachusetts manifested their approbation of the policy of the federal government, by the reelection, in 1798, of Mr. Sumner, who gave Mr. Adams' measures his decided support. The conduct of the French rulers was so threatening and hostile, that an attack by them on the coasts of the United States was feared ; and the governor recommended to the general court to adopt defensive measures for the protection of the people on the seaboard of the commonwealth.

At this period, the federal government gave authority for building several large frigates, and for raising an army, for the protection and safety of the United States, if an attack should be made by any foreign nation. President Adams ordered one to be built in Boston, which was called the *Constitution*; and the officers from Massachusetts, appointed for the provisional army, were Henry Knox, as major general, and John Brooks, as a brigadier. These measures, with some others adopted at the same time, served to increase the opposition in Massachusetts to the federal administration; for it was said to create a needless expense, as the French would not probably send troops to invade the country. And the objection was greater to an army than to a navy. For the latter might be necessary for the protection of commerce, in which a great portion of the state was engaged. Political parties, of the character previously existing, were very bitter in their writings; and their disputes respecting candidates for office, were fierce and violent. Those who complained of French aggressions were charged with being the friends of Great Britain; and such as censured British depredations were accused as being the friends of France. And the great dispute with many was, not whether the United States had unjustly and wantonly suffered, and what was necessary for redress and defence, but whether war should be declared against England or France. No doubt

there was much true patriotism in most of each party, and that each and all would readily defend their own country against any foreign power, which should dare to invade it; but the question was, which was most unjust and violent in its treatment, and which ought to be selected for hostile attack. There was, however, apparently too much of passion and prejudice mixed with patriotism, in a great portion of the people, to qualify them to decide with perfect impartiality and correctness. The spirit of party had undue influence; and, as in all similar cases, few were justly desirous of forming a just and correct judgment. When party feelings have been long cherished, the people contend for victory rather than truth; and seek rather to confound their opponents than to establish what is right.\*

\* Party is an evil incident to all free governments. In a republic, where all the citizens have a right to speak and vote, and a chance to gain power and office, there will be an indulgence of the selfish passions, as well as a diversity of political opinions. Such is the fact even in England. In the United States, it is much more so. Whether a politician shall be esteemed honest and patriotic, or not, must depend on his general character, rather than on his particular opinions, touching the conduct and policy of rulers. The intelligence and good sense of the people can alone correct the evil, so far as it is possible to prevent or restrain it at all.

## CHAPTER XXXI.

**Legal Provision for Public Worship, and Religious Teachers—Complaints by minor sects of the Constitution on the subject—A law in 1800, more favorable to religious liberty—Reference to law of 1811—Complaints of Alien and Sedition Acts—Resolutions of Virginia, condemning them—General Court of Massachusetts disagrees to Resolutions of Virginia—Death of Gov. Sumner—Gov. Strong—His character and opinions—Death of General Washington—Gov. Strong reelected—His Conciliatory Speech.**

RELIGIOUS freedom was always a subject of strong interest with the people of Massachusetts. It led to their emigration from their native country, and to their settlement in a far distant and wild region. Their descendants always cherished the same spirit. The article in the constitution of the commonwealth was the result of much debate and deliberation. It was nearly the universal opinion, that religion was important to the order of society, as its sanctions were essential to virtue and morality. But it was a question, how far civil government might justly or safely interfere by directions and laws for the support of religion. Some insisted that the civil authority should require nothing, but leave religion wholly to the will and choice of every individual: while the majority were of opinion, that the legislature should have power to require the support of religious teachers and worship; leaving it to the people to choose their teachers, and their particular form of worship, provided that was christian and protestant.

The constitution had been generally so construed as to give dissatisfaction to those who belonged to minor sects or denominations; for it had been decided, that except a person usually and stately attended a different place of worship, he must pay to the support of the minister of the town where he resided, though he could not conscientiously attend his instructions: thus subjecting a person to the inconvenience and trouble of obtaining a certificate from the minister or society where he

chose to worship, of his being of their communion. And this was alleged to be an abridgment of the right to worship God with such denomination as one might choose. One was, indeed, allowed the privilege, but was subject to some inconvenience and expense in securing its enjoyment. In March, 1800, a law was passed on the subject, considered more consistent with religious liberty, and more favorable to the smaller sects, than the former statutes, enacted before the revolution. It provided, that one who was of a different denomination from the majority of a town might pay towards the support of the teacher on whose instructions he usually attended, instead of paying, as had before been required, to the teacher of the town, whom it was not his choice to hear. But even this law did not give full satisfaction to all religious sects. It was still objected, that those who belonged to congregational churches had peculiar privileges. And it was not till the passage of the law of 1811, which removed all hostilities, that those who had complained of ecclesiastical oppression became contented with the legal provisions of the state, for the support of religious teachers and worship. But those who approved of the article in the constitution, requiring religious worship and instruction, considered the last mentioned law as a dangerous innovation; since, in effect, it allowed a small portion of the people in a town to decide whether they would have any religious teachers at all.

In 1778, while Governor Sumner was in the chair, a question arose in Virginia, as to the constitutionality of two acts of congress; and the subject was discussed with uncommon interest, in all parts of the country. These were the sedition and alien acts; by which the president was authorized to send aliens out of the United States, if he should deem them dangerous characters, without trial; and persons were made liable to prosecution for a libel, if they accused the members of administration unjustly. The first law was objected to, as being arbitrary, and as giving too much power to the executive; and the latter, as interfering with the freedom of speech, and of the press; which was highly improper in a free government. The legislature of Virginia pronounced these laws to be unconstitutional, and as exceeding the power given to the federal government: and therefore declared them to be null and void. They also appealed to the other states, in the hope that they would unite in declaring them unconstitutional and unjust. When Governor Sumner communicated these proceedings of Virginia to the general court, he expressed an opinion in favor of the acts of congress, to which they referred; as aliens, if dangerous per-



sons, by misrepresenting the measures of government, might justly be required to leave the country, without demanding the right of legal process, to which the citizens would be entitled; and as those, charged with a libel against the rulers, could justify themselves by showing that the charges, alleged to be libellous, were well founded and true. He thought the safety of the United States required or justified such laws by the federal government. The majority of the general court sustained the governor in his views; and expressed their opinion, that the acts of congress were constitutional and proper, which the legislature of Virginia, and some other states, had declared arbitrary and unjust.

The report made, on this occasion, in the house of representatives, which was adopted by a vote of one hundred and sixteen to twenty-nine, contained the following resolutions:—

“That this legislature are persuaded, that the decision of all cases, in law and equity, arising under the constitution of the United States, and the construction of all laws made in pursuance thereof, are exclusively vested by the people, in the judicial courts of the United States:—That the people, in that solemn compact, which is declared to be the supreme law of the land, have not constituted the state legislatures the judges of the acts or measures of the federal government, but have confided to them the power of proposing such amendments of the constitution as shall appear to them necessary to the interests, or conformable to the wishes of the people whom they represent:—That by this construction of the constitution, an amicable and dispassionate remedy is pointed out, for any evil which experience may prove to exist, and the peace and prosperity of the United States may be preserved without interruption.”

Governor Sumner died in June, 1799, and Moses Gill, the lieutenant governor, acted as chief magistrate through the year. In 1800, Caleb Strong was elected governor, but by a small majority of votes; Elbridge Gerry was the opposing candidate. Mr. Gerry was supported by the democratic, or anti-federal party. He was opposed to the constitution of the United States, from a belief that the power of the individual states would be too much restricted, and that its tendency was to consolidation. He had also been an apologist for France, in most cases of dispute between that government and the United States, and condemned the policy of the federal administration in relation to that country and to England. Mr. Strong received the full support of the federal party. At that period, the two parties were nearly equally divided in

Massachusetts, and through the union. The different opinions and views of the parties were such as had distinguished them for several years. Their prejudices and partialities were the same. Governor Strong had been long in public life, when he was elected chief magistrate of the state. He was active in the revolution, and had repeatedly been a member of the legislature. He was a delegate from Massachusetts, in the general convention of 1787, which framed the federal constitution, and a member of the convention, by which it was adopted in the state. When the federal government was first established, he was appointed a senator in congress, where his services were very useful; especially as chairman of the committee to prepare a law for organizing the judiciary of the United States. Before this, he had been eminent as a counsellor of law; and had been appointed a justice of the supreme court of Massachusetts. His talents were of a high order, and his moral character was remarkably pure and elevated. In his political views, he agreed entirely with General Washington and President Adams; and the measures of their administration received his official approbation and support. General Washington died a few months\* before Governor Strong was elected chief magistrate; and in his first address to the general court, he spoke of him in the following high, but just terms of eulogy. "His patriotism and eminent services endeared him to every friend of America; and his fame has spread through the civilized world. His integrity and his purity of manners, his respect for the institutions of religion, and his zeal for the public welfare, made him equally conspicuous, and ought to be imitated by the citizens of the United States. Let us cherish the remembrance of his modest worth, and form ourselves after the example of his private and public virtues; and we shall be safe and happy, and shall inherit the land forever."

The character of Governor Strong, both as a man and a politician, may be justly perceived, so far as his opinions would portray it, (and his life and practice were entirely in unison with his professions) by the following declarations in his first public speech to the legislature; for, in sincerity, probity and moral purity, he resembled General Washington, whose high and excellent qualities he so fully appreciated. "As virtue and submission to the laws are essential in a republic, and form the only sure basis of its prosperity, these qualities must in a peculiar manner be requisite in those appointed to office in a free government. A man who is not under the influence

\* His death was in December, 1799.

of moral principles can have no just claims to the public confidence. \* \* \* There is no opinion more prevalent in civilized nations than that religious principles are essential to morality, and the principal support of lawful government ; and that the obligation of piety is imposed on man by his nature. If opposite opinions are patronised, and revealed religion, in particular, is represented as unfriendly to individual or social happiness, it becomes those who believe the truth of christianity, to endeavor to prevent the progress of infidelity, by every mild and prudent method ; by promoting institutions for the general diffusion of knowledge, by excluding vicious and profligate persons from the employment of instructing youth, by supporting teachers of piety, religion and morality ; and by manifesting, in their own conduct, the genuine effects of the religion, which they regard as the purest source of human felicity."

In 1801, Governor Strong was re-elected for the place of chief magistrate, by a larger vote than he received the year before ; and Mr. Gerry was again the candidate of the anti-federal or democratic party. The political parties had not materially changed in Massachusetts, though in the whole United States, the anti-federalists had become the majority ; and Mr. Jefferson was elected president, in opposition to Mr. Adams, then the incumbent and the federal candidate. Mr. Jefferson had been vice-president with Mr. Adams ; and was secretary of state under President Washington. He had been long considered the head of the anti-federal or democratic party through the country. When the constitution was formed, he objected to it, as monarchy in disguise ; and he was believed to be opposed to the policy pursued, during the administration, of his predecessors. His professions were in favor of reform and of economy, as to public expenditures, and of making the will of the people a more general guide. He was disposed to apologize for the injustice and depredations of the French, and inclined to exaggerate the misconduct of the British. His views respecting commerce were such, as to render him more unpopular in Massachusetts, than even his abstract political sentiments, or his supposed partiality for France. Many of the most intelligent citizens were ready to predict great evils from his administration. But Governor Strong, in his public speech to the general court, spoke of Mr. Jefferson in a very candid and conciliating manner. It was not his disposition to criminate those who differed from him ; nor to excite party feeling among the people by addressing their prejudices and passions. " Although, (he said)

in the choice of a president of the United States, the result has not corresponded with the wishes of many citizens of the commonwealth, yet they will reflect, that, in republics, the opinion of the majority must prevail, and that obedience to the laws and respect for constitutional authority are essential to the character of good citizens. We are encouraged to expect that the chief magistrate of the nation will not depart from the essential principles of the constitution; and so long as his administration shall be guided by those principles, he will be entitled to the confidence of the people; and their interests require that he should possess it. But if it shall appear hereafter, that their anticipations are not realized, a sense of decorum and a regard to justice and the public welfare should exclude asperity and false coloring, from all discussions of public measures. For the morals and liberties of the people will be in danger, if the press should be prostituted to faction and falsehood." This is the language of a virtuous and enlightened statesman; and such a spirit in rulers and men of influence, in times of party excitement, would certainly prevent much evil and mischief in a republican government.

In 1802, the general court voted to build a state prison; which was afterward erected in Charlestown; confinement to hard labor had before been provided, on Castle Island, instead of public whipping, and sitting in the pillory. The design of a state prison was both for punishment and reform. The plan was to confine convicts to hard labor, and at the same time provide moral discipline and religious instruction; in the hope, that while society was rendered safe from the depredations of evil men, some, not sadly depraved and hardened, might reform, and be sent back into the community with good principles and habits of industry. The criminal law was altered as to some cases; burglary, which had been punishable with death, was made a capital offence only, when the person charged, was armed with a deadly weapon, or gave evidence of an intention to commit murder, as well as to rob and plunder. The results of the establishment were not immediately so favorable as had been expected; the expense of the building and the support of officers, for several years, was also very great; and the public was not fully satisfied with the plan. But the friends of the penitentiary system were unwilling to abandon it; for they contended that the experiment at first was necessarily expensive; and they also insisted that the trial had not been fairly made, as to the probable and expected benefits to the criminals; since the building was not sufficiently large to keep the convicts separate by

night, which was an essential part of the penitentiary system. The number of convicts was so great that often six and eight were lodged in one room for the night; which was a great defect, and must forever prevent the good effects of confinements, so far as the reformation of the prisoners was concerned. At a subsequent period, a remedy was provided for this evil, by providing an additional number of rooms, so as to have only one person in a cell during the night; and when at labor through the day they were attended by a guard to prevent all conversation among the prisoners.

## CHAPTER XXXII.

Governor Strong continued in office several years—Mr. Jefferson President—His Policy and Measures—Political Opinions and Parties—Finances of the state—Public Debt—Electors of President and Vice President—Governor Sullivan—His Character and Opinions—Political Parties—Policy of General Government—Non-intercourse and Embargo—Letter of Mr. Pickering—Complaints of the Embargo—Additional Act, affecting the Coasting Trade.

GOVERNOR STRONG was re-elected in 1802, and continued to receive the suffrages of the majority of his fellow-citizens till 1807. The spirit of party rather increased than abated, during this period. The policy of the federal administration, under President Jefferson, was not deemed favorable to commerce, and was therefore warmly opposed in the New England States. In the southern and western parts of the union, his measures were more acceptable. War was continued between the two great maritime powers of Europe, France and England; and in their efforts to annoy and distress each other, they both, at times, disregarded neutral rights, and inflicted great injuries on the commerce of the United States. President Adams had been charged by the democratic party with unfriendly feelings towards the French rulers, and with too much partiality for Great Britain. And Mr. Jefferson and his cabinet were charged by the federalists, with unjust antipathies against the government of England, and with undue regard for France. This was the more unaccountable, as the French rulers had become very arbitrary; and republicanism in that nation was merely nominal. The charges, in both cases, might have been only proof of prejudice and party spirit in those who preferred them. But they were believed by the respective parties to be well founded in a degree; and therefore were the causes of the party feelings which prevailed. The people took a deep interest in the measures of the general government, at this period, and ex-

pressed their opinions, not only with frankness, but often with unbecoming asperity ; and, probably, their opinions were, in some degree, dictated by their individual interests. The merchants suffered more immediately than the land holders, and therefore complained the more loudly. And though all foreign concerns were in the hands of the general government, the members of state legislatures considered that they had the right to discuss the policy of the federal administration. In Massachusetts, the general court repeatedly passed resolutions disapproving the measures of congress, and the policy of President Jefferson ; and complaining, that more decisive and energetic measures were not adopted to resist the maritime aggressions of France. Governor Strong, while he faithfully discharged his duty to the state, abstained from all severity of remark on the general government, and appeared studiously to avoid all appeals to the passions of the people, which might tend to undue party excitement. This was a commendable trait in his character. He was resolved to discharge his own high duties, and to leave to the rulers of the federal government the responsibility which justly belonged to them. He had a settled opinion, also, that all foreign affairs belonged exclusively to congress. The political party in favor of President Jefferson's measures, however, increased in Massachusetts, during 1804, '05, and '06 ; and in 1807, James Sullivan, the attorney general, and who had before been a candidate, in opposition to Mr. Strong, was elected governor. In 1806, indeed Governor Strong was chosen by a small majority ; nor was his election admitted and declared (the general court being anti-federal) till ten or eleven days after the court had convened. Various difficulties were made, by his opponents, to his election, founded in the omission of a letter in his name, in some of the returns, and of the informality of others, compared to the strict letter of the law.

While Governor Strong was in the chair, the internal concerns of the commonwealth were faithfully attended to ; the finances of the state were prudently and ably managed ; and a large part of the public debt was paid. In 1801, this amounted to a large sum ; for congress did not assume the whole debt incurred by the several states during the war of the revolution ; and for this reason Massachusetts was indebted in a large amount for moneys borrowed in and soon after the war, to meet the current expenses necessary to support its credit, and to discharge demands against it. The state tax, in 1803, was \$143,000, which was appropriated for the ordinary expenses of government, and the payment of interest on the remaining debt of the

commonwealth. The pay of the representatives, for that year, was only \$20,000.

For the first time, in Massachusetts, the electors of president and vice president of the United States, were chosen in 1804, by a general ticket. In 1800, they were appointed by the legislature; which was considered improper by a large portion of the people. On three previous occasions they had been elected by the people, in districts, though not in exact conformity to the districts for choosing members of congress. All these various modes of appointing or choosing the electors had been adopted in different states; and had not been opposed as unconstitutional, though it was contended, that the fairest and most republican mode was for the people themselves to vote, and that in separate districts, as numerous as the number of electors. The constitution had prescribed no particular manner of choosing them, farther than by saying, that they should be appointed in each state, as the legislature thereof should provide. Either mode, therefore, was constitutional; whether by the people, in districts; by a general ticket, when every citizen might vote for the whole; or by the legislature.

The spirit of the constitution is that each state should have a voice in the election of president, according to its number of representatives and senators. But this principle is controlled or qualified by another provision; that, in case no one is chosen president by the vote of the electors, each state shall have a single vote in congress, to be made according to the majority of its representatives. Ultimately, therefore, the object of the constitution seems to be, that every state should have a vote, or the declaration of its will, in the election of president. And this is done most simply and effectually, certainly most agreeably to republican principles, by a general ticket, or by the legislature; for in that case the vote would be for one and the same person; and it would be an expression of the will of the majority of the state. But if a state is divided into several districts, the vote of the state may be divided also. The measure of a general ticket, as it had not before been adopted in Massachusetts, was considered to be dictated for party purposes. It was peculiarly a measure of the federal party; which was then the dominant party in the general court; and their opponents complained loudly against it, and made every effort to defeat its success. The democratic party triumphed, much to the disappointment and mortification of the federalists, who had proposed and urged it. Such is frequently the result of party projects. The moderate men of all parties will give their influence and vote in favor of what appears just and proper, rather than to support



the plans of those with whom they have usually acted, when they find them adopting particular measures, merely to secure their object. Honest and independent men never sanction the maxim, that the end justifies the means; or that all is fair in politics, which is attended with success.

Governor Sullivan had been long in public life. In the beginning of the revolution, he was decided and active in support of the liberties of the country. He was a useful member of the provincial congress of Massachusetts, in 1775; and in 1776, was appointed a justice of the highest judicial tribunal in the state. After a short period, he resigned that office, and was made attorney general. The federal party opposed Mr. Sullivan, because they preferred Governor Strong, who had their entire confidence, and because he approved generally of the policy of Mr. Jefferson. The writings in the public papers, relating to the candidates for governor, were uncommonly bitter and virulent. Moderate and candid men of both the great political parties regretted the temper which was manifested. Governor Strong was represented as an enemy to liberty; and Mr. Sullivan as opposed to order and virtue, and destitute of moral principle. No circumstances could justify such asperity and vituperation. Much was exaggerated, and much was charged, wholly unfounded. Mr. Sullivan administered the government with ability and impartiality. Some of the party who brought him into the chair, urged him to acts of intolerance and proscription. But he declared, "he would act as the governor of the state, and not as the head of a party." And by his impartiality and candor, he gave offence to some of his political friends, who expected office from him, as the reward of their services, on his elevation to the chair.

Governor Sullivan was equally the friend of education and of religious institutions, as his virtuous predecessors. They had all given their decided support to the means of religion in the state, and had recommended common schools for the instruction of children of every grade and condition, as essential to the peace of society and the preservation of a free government. Governors Hancock, Bowdoin, Adams, Sumner, and Strong, were exemplary professors of religion, and zealous advocates for providing means of education for all the rising generation. Mr. Sullivan was no less the consistent and uniform friend to these institutions. But it was his lot to fill the chair of the commonwealth, when party feelings were greatly exasperated, by long political disputes, and when the administration of the general government had adopted a policy very

obnoxious to a great portion of the citizens. No man of the democratic party, perhaps, would have been less exceptionable than Governor Sullivan was. Perhaps, no federal governor would have been exposed to less censure in 1807 and 1808. On most occasions, he conducted with prudence and moderation; and on none, did he attempt to influence the passions of political parties.

For the first time after the federal government was established, all branches of the government in Massachusetts, in 1807, were democratic or anti-federal. In 1806, the majorities in the two houses were democratic, but the governor was not. This was probably considered by President Jefferson as a proof that his measures were approved by the greater portion of the citizens of Massachusetts: and it served to confirm him in the policy which he had adopted, with regard to foreign nations. The system of non-intercourse with England and France was continued, against the interests and the wishes of the merchants. Mr. Jefferson had adopted this policy, under the difficulties which took place between the United States and France and England. The conduct of the French rulers, particularly, was so hostile and injurious, that many believed that firm and decisive measures were necessary towards that government. But Mr. Jefferson was of opinion, that the policy was to retire from the ocean, and to have no commercial intercourse with either of those countries. By his recommendation, congress passed a law prohibiting the importation of British goods, and other commercial dealings both with England and France. The suspension of trade with England was alike injurious to that country and to the United States; but the trade with France was comparatively small, and restrictions, as to that nation were not so injurious.

Near the close of 1807, the general government passed an embargo act, as a part of the system of non-intercourse, and the policy of Mr. Jefferson, in preference to war. This was more severely condemned than the former acts of a similar character; for it put an end to all commercial enterprise, and the merchants' vessels were wholly useless. There were also circumstances connected with the embargo act, which tended to render it peculiarly obnoxious. It was unlimited, as to its duration; and other embargo acts had always been for a definite period; for two, three, or six months. It was a still greater objection to the measure, as there was reason to believe it was adopted through the secret influence of the French government. It was the policy of the French rulers to get up a war between England and the United States; and if that could not be effected, to prevent all commercial intercourse between the two coun-

tries; and thus inflict a blow on the maritime power and prosperity of Great Britain. The information received from the American envoy in France, so far as made known, served to confirm such an opinion. The people generally were indignant in the belief that the French rulers should have such influence over the federal administration; and without full proof that such was the fact, condemned Mr. Jefferson for recommending the embargo. In the eastern states, especially in Massachusetts, this measure deprived the administration of many supporters. A great majority of the representatives in congress, strenuously opposed the act. One of the senators of Massachusetts, Timothy Pickering, was very active in opposition to it; but John Q. Adams, the other senator, voted in favor of it. Mr. Pickering considered it his duty to give formal notice of the measure to the legislature, for he knew it would produce a great sensation in Massachusetts. His letter was addressed to Governor Sullivan, to be by him communicated to the general court. The governor did not communicate it for some time, and was severely censured for retaining it. When it was made known to the legislature, and published, it was the occasion of much excitement; and served to strengthen the apprehensions of the people, that it was owing to an undue partiality for France, in Mr. Jefferson, that the measure of an embargo had been adopted. The prosperity of the United States was more affected by it, than that of England; and it was also considered to be an insidious measure: for, if Great Britain was to be treated in a hostile manner, it would be more wise and honorable to demand redress; and if not obtained, to resort to open warfare, rather than use such equivocal means of annoyance, at the desire of France, the inveterate enemy of England.

During the year 1807, the legislature of Vermont passed a resolve, proposing an alteration of the constitution of the United States, so that the president might remove a justice of the federal courts, on an address of the majority of congress, without impeachment. The proposition was laid before the general court of Massachusetts, and it was approved in the house of representatives by a vote of ninety-two to forty-four. Such a vote would not have passed in 1808, and probably not in 1806. It was a measure of President Jefferson himself; for he was never in favor of the real independence of the judges. He contended that they should depend on the will of the people for continuance in office; which would in effect be to render them dependent on the executive, who would claim to be considered the organ of the popular will.

Governor Sullivan was re-elected in 1808; but the majority

of the legislature was federal. The gentlemen chosen for his council were of that party; and yet there was great harmony between them and the chief magistrate. Mr. Sullivan observed to a friend, that he had less controversy with his council in 1808, than with that of 1807, which was composed of the democratic party. They had urged him to make removals from office; on account of political opinions, and demanded it of him, as due to the party; but he did not yield to their solicitations.

The policy of the federal government, which led to an embargo in 1807, dictated other measures very injurious to the trade and navigation of the country, under the pretence, that the act laying the embargo was occasionally violated. The transportation of flour and grain from the southern states to the northern and eastern ports was interdicted. And when this was found to be very injurious, the president proposed to grant license to such individuals, to transport flour, for the necessary consumption of the people, as Governor Sullivan should select or designate. Great complaints were made against this measure, as partial and unjust. A petition was preferred to congress, at this time, for liberty to send fish to foreign markets as had formerly been done, and when there were large quantities on hand, exposed to decay in a short time; but the request was not granted, nor was any sympathy expressed for the petitioners. The federal party complained loudly of this policy and these measures, and said they were extremely injurious to the citizens of the United States, but productive of little or no evil to England, which it was intended should suffer by them. The democratic party insisted, that such evils were less than the calamities of war would be; assuming, that war was the only alternative; and that there might be "reasons of state" for the policy pursued, of which the people could not judge, and of which they could not justly be informed. On this occasion, the party and the individuals, who had urged to immediate resentment of aggressions from a foreign nation, in the time of Washington and Adams, and who had protested against all secrets in politics in a republican government, when Washington gave instructions to Mr. Jay, which he chose not to publish, were explicit and forward in their apologies for the measures of Mr. Jefferson. They said, "forbearance was most wise and politic, and that he might have reasons sufficient for recommending an embargo, and other commercial restrictions, though he had communicated none to the people, and but partially to the members of congress, who were to approve and sanction his recommendation by law."

The democratic party lost influence and friends, in 1807, by the change made in the office of treasurer of the commonwealth. Jonathan Jackson, a citizen of eminent abilities, and of great moral worth, who had also rendered important services to the public, was removed from the treasury department; and a person, recommended chiefly for his democratic opinions, was appointed in his room. In the course of the year he became a public defaulter, to a large amount. His speculations, and his readiness to accommodate political friends, were the causes of his embarrassments. His sureties were numerous, but few of them were men of property. The deficiency of the treasury, from his improper management, amounted to \$78,000: and the state eventually lost a large sum, through default of his bondsmen.

Governor Sullivan died in December, 1808; and Lieutenant Governor Lincoln succeeded to the chair, for the remainder of the political year. He was less tolerant in his political creed than Governor Sullivan had been: and in his public address to the general court, in January, 1809, he condemned the meetings of the people, which had been recently held to remonstrate against the embargo as improper, as manifesting a spirit hostile to the government. Individuals might have made declarations, under their sufferings, which could not be justified; and there were, at that period, some indiscreet and rash speeches respecting the policy of the general government; but when the people considered themselves oppressed, or believed their rulers to be arbitrary, they had always spoken boldly and protested against obnoxious measures. In free governments this has always been the case; and probably always will be, whoever are the rulers, and whatever the party that feels aggrieved.

## CHAPTER XXXIII.

New Embargo Act—Very obnoxious—Gov. Gore—His character—Charge against Federal Leaders as friends of England—Mr. Gerry chosen Governor—His political character and views—Measures of the Democratic administration—Political intolerance and proscription in 1811—Party spirit increases—The Governor denounces Federalists as enemies to the country; and directs an examination of Newspapers for libels—Complaints of the Opinions of the Judicial Court.

In January, 1809, more than twelve months after the embargo was laid, an act was passed by congress to enforce it, from a belief that there had been some evasions of the original law. Restrictions were laid on coasting vessels, which were oppressive and expensive, and the people became still more discontented. Having no hope of redress from congress, they applied to the general court; and the following resolutions were adopted on the occasion: "That the act of congress, for enforcing the embargo law, is, in many respects, unjust, oppressive, and unconstitutional, and not legally binding on the people; but to secure certain and permanent relief, it is earnestly recommended to those aggrieved by the operation of this act, to abstain from forcible resistance, and to apply for remedy in a peaceable manner, to the laws of the commonwealth:—That a remonstrance be prepared and forwarded to congress, expressing the opinions and feelings of the people, and urging the repeal of said act:—That the legislature will coöperate with any of the other states, in all legal and constitutional measures, for procuring such amendments to the federal constitution as shall be necessary to obtain protection for commerce, and to give to the commercial states their fair and just consideration in the general government, and for affording permanent security, as well as present relief, from the oppressive measures under which they now suffer."

A charge was made, at this time, as well as afterwards, in 1811 or 1812, that some of the federal party in Massachusetts

were plotting against the peace and union of the states, and held secret correspondence with British agents, for such a purpose. But the charge was as vague as it was unfounded. It was got up, no doubt, for party objects, and in unguarded moments of heated party criminations. When, afterwards, an inquiry was made, both by the state and federal government, no evidence was produced sufficient to raise a suspicion in the mind of any impartial man, that the charge was well founded. The senate of Massachusetts, when the majority was democratic, expressed an opinion entirely exonerating the persons referred to in the idle party charges of the day; and Mr. Madison, president of the United States, when the charge was made to him afterwards, by a foreigner, who was no doubt prompted to make it, from a hope of pecuniary reward, declared that no persons had been named, and that no evidence had been furnished, that any persons in the United States had entered into or countenanced any project of the British for destroying the union, or otherwise inimical to the United States.

Christopher Gore was chosen governor, in 1809; a man of eminent talents, and of great political knowledge. He ranked high, also, as a gentleman of honorable feelings and correct moral principles. Mr. Gore was educated for the law, and was eminent in the profession. Few were more powerful in argument, or more eloquent in debate. He was appointed by Washington, the first federal attorney for Massachusetts; had been employed by government as an agent in England, and was several years a very distinguished member of the general court.

During the year 1809, several companies were formed, in the interior of the commonwealth, for the manufacture of woollen cloths. The business had been prosecuted for a few years, previously, by some enterprising individuals in the western counties. Woollen cloths had been manufactured, to some extent, from the early settlement of Massachusetts; but it was in separate families, and for the use only of those who made it. Many families, before this period, manufactured sufficient for their own consumption; but it was of an ordinary kind; and those, who had means to purchase better, wore that which was imported. The coarse cloths used by seamen, were also brought from England; or the manufacture in the state was not adequate to the necessities of the whole population. During the war of the revolution, a good deal of labor was bestowed on the manufacture of woollens; but after the peace, there were immense importations from England. It was, therefore, a laudable plan, to extend this kind of manufacture. Several

years elapsed, however, before the government gave it direct and proper encouragement. Still some persons had objections to large manufacturing establishments, and others doubted the justice of giving particular encouragement, by the government, to one branch of business more than to another.

The government of the state was administered with great impartiality by Mr. Gore, and his official acts were fully approved, except that the democratic party were opposed to his political views on the leading measures of the general government. He was charged with no intolerance towards the party opposed to him. Yet this magnanimous conduct on his part failed to secure the support of those who had opposed his election. Some change of measures in the general government gave strength to the ranks of his opponents. The embargo law was repealed during the year 1809; for it had become extremely oppressive to those engaged in commercial pursuits, and it was found to have little effect in bringing either England or France to relax in their claims, or to cease their depredations on the commerce of the United States. The complaints of the people increased, and it was difficult to prevent acts of force in resisting the provisions of the laws. Yielding to the general dissatisfaction, the federal administration repealed the acts laying the embargo of December, 1807; and when the immediate cause of their sufferings were removed, a portion of the people who had complained of that measure before it was repealed, gave their support to the friends of the general government. At the election of state officers, in 1810, Mr. Gerry had the majority of votes for governor, and succeeded Mr. Gore as chief magistrate. This was a severe disappointment to the federal party, which supported Mr. Gore; and matter of triumph to the political friends of Mr. Gerry.

On several former occasions, Mr. Gerry had been the democratic candidate for the office of governor. He had been many years in public life, and was an efficient advocate for the liberty and independence of the country, from the period of 1775. He was a delegate from Massachusetts to the continental congress, in 1776, and subscribed the memorable declaration of independence in that year. He was also a member of the continental convention which framed the constitution of 1787; but did not entirely approve of it. He considered its tendency would be to a consolidated or national government, to the injurious diminution of the rights and power of the separate states. For several years, he was a member of congress, and faithfully supported the interests of the commercial states. In 1799, he was appointed an envoy to the court of France, by President



Adams, with Judge Marshall, of Virginia, and General Pinckney, of South Carolina. His conduct, on that occasion, deprived him of the good opinion of the federal party ; and it was generally admitted, that he was not sufficiently decided in his diplomatic intercourse with the French ministers. The defect in the character of Governor Gerry, as a politician, was want of firmness and decision. The charge made against him was, that he changed his views by the adroit management of the agents of France ; or that he was vain enough to suppose he could negotiate alone after his colleagues had become convinced that no treaty could be made, consistent with the interests and honor of the United States.

When Mr. Gerry was chosen governor he probably intended, as Governor Sullivan had done, to pursue an impartial course. But those who brought him into the chair urged him on to party measures, and he yielded at last to their entreaties or their threats. Both branches of the legislature, in 1810 and 1811, the two years Mr. Gerry was governor, were democratic ; and by joining with the majorities of the two houses, he assisted in carrying into effect several measures, merely for party purposes. The first year, indeed, little was done with this view, which was very grossly intolerant. But his public speech, on his re-election, in 1811, fully indicated a disposition to proscribe all those who did not approve and applaud the policy of the general government, and support the measures of the democratic leaders in the state. He not only expressed his entire approbation of the conduct of President Madison and his cabinet, which was considered equally unfavorable to commerce as that of Mr. Jefferson had been ; but he censured, with no little asperity, all opposition to the course of the general government, whether resolves passed at public meetings, or by writings in the newspapers. He denounced all disagreement with the acts of congress, or measures of administration, as a great impropriety, and as tending even to the subversion of the government. The opinions he expressed were entirely in accordance with those of the governors under the kings of England, who always pronounced mere opposition in opinion as of dangerous tendency. But such sentiments were seldom declared by the chief magistrate of a state, except, in a much later period, when the interested supporters of the conduct of administration led them to denounce all such to be enemies of the government, as dared to point out and remonstrate against the exercise of arbitrary power.

To give full effect to the system proposed, the laws were altered, in several instances, so as to give the appointment for

office to the governor and his council, which before was in other hands. A law was made, giving appointments of the clerks of the judicial courts to the governor, which had formerly been the privilege and right of the judges. And the courts of common pleas were organized anew ; which gave opportunity for the appointment of the political friends of the dominant party. In some instances, the veteran patriots of the revolution, who had been among the most faithful friends of the country, in the severest trials, were removed from office, to give room for the zealous professors of democracy. And in many cases, faithful and able officers were dismissed, that those distinguished only for party zeal and devotion might be rewarded.

The spirit of party in the state and through the union continued with increasing asperity. The public papers were filled with criminations and recriminations ; and there was little prospect of soothing the exasperated feelings of the people. The friends of the general government denounced all who dared complain of its policy ; and the federal party censured the national administration in unmeasured terms, as so devoted to France, as to compromise the welfare and honor of the United States. Governor Gerry suffered himself to be carried away by the feelings and prejudices of his party, instead of exerting his official influence to allay the public excitement, as his predecessors had done. In his speech to the general court, in January, 1812, he denounced the federalists, as anti-republican in their principles, and as preferring the monarchy of England to the government of America. His expressions were as harsh as they were undignified. Although there was no proof or appearance of proof, that such a charge was true, it must be supposed, in charity, that some dark surmises had been suggested, or plausible representations made, which led him to *fear*, that the federal leaders were plotting against the peace of the republic. "Are we not called upon to decide (said he) whether we will commit the liberty and independence of ourselves and posterity to the fidelity and protection of a national administration, at the head of which is a *Madison*, supported by an executive department, a senate, and house of representatives, abounding with meritorious patriots ; or to a British administration, the disciples of *Bute*, who wished to enslave these states, and to American loyalists, who coöperated with that government to bind us in chains?"

A motion was made in the house of representatives for a committee to inquire what evidence there was of a British party in Massachusetts. The motion was opposed by the political friends of the governor ; and no committee was raised, and

no inquiry made on the subject. It better served the purposes of those who made the accusation, to deal in vague charges and suggestions, to excite the prejudices of the people, than to have real facts disclosed, and unjust insinuations disproved, which might allay the popular excitement.

Soon after, the governor directed the attorney general to examine the newspapers published in Boston, and report to him the number of libellous publications which they contained. The attorney general reported two hundred and fifty-two, the greater part of which were in a small obscure paper; but fifty were in the Centinel, thirty-eight in the Gazette, thirty-seven in the Repertory, and eight in the Chronicle. The independent editor of the Centinel publicly called on the attorney general to detect a single libellous expression in his paper, *unless the truth were a libel*. The governor seemed to be much excited at this time, by the independent manner in which the people inquired into the conduct of public agents, and by the fearlessness with which they censured measures calculated to check the prosperity, and to hazard the peace of the country. He mistook the character of the people. They were fully sensible of their right to discuss the measures of government; and knew their duty too well to omit bearing testimony against misguided councils. In his severe denunciations against popular meetings, and a free declarations of opinion, Mr. Gerry lost the support of moderate men, though he might quicken the zeal of his partisan adherents. And he exposed himself to still greater censure, by interfering with the judicial department. In November preceding, Justice Parker, of the supreme court, stated to the jury what constituted a libel, as several pieces had then recently appeared in the public papers, which were said to be libellous. The remarks of the learned judge were not agreeable to the governor, and he sent for a copy. In reply, the judge expressed his belief that he was not responsible to the governor for his opinions or conduct, and that the judicial department was wholly independent of the executive. He directed the original speech delivered before the grand jury, however, to be forwarded to the governor; conscious it contained no sentiments or remarks which were not legally correct. The conduct of the governor, on this occasion, was generally pronounced highly improper. The executive has no constitutional right to control or direct the judiciary. Another mode was pointed out, for investigating the conduct of a judge. The governor discovered a disposition to interfere both with the prerogatives of the judge and of the jury. He complained of libellous publications, and set the attorney general on the

search after them. The judge gave an opinion, fairly and independently, as if he knew of no excitement, and no party; and the jury found no indictments. And the charge was still made, that the judge and the jurors were under the influence of party feelings. The sober citizens thought this a libel.

In other circumstances, this conduct would have been most decidedly condemned. For the governor of a state, or the president of the United States, to interfere with the opinions or decisions of the judges, especially on questions relating to political measures, or their own official conduct, would be considered very improper, by all disinterested men. On an occasion of more recent date, when it was conjectured that the president of the United States attempted to interfere with the decision of the judges of the federal court, the people were alarmed at such conduct, as irregular and dangerous, and indignant at the arbitrary temper it manifested. A few days before the general court closed their winter session of 1812, Governor Gerry sent a message to them, on the subject of libels;\* and while it was under consideration, a member of the senate of the federal party, offered the resolution following:—"That the governor, in denouncing various publications in the Boston papers as libels, after a grand jury on examination of them had refused to prefer indictments, manifests an alarming disposition to usurp the power belonging to the judiciary department, tending to criminate and injure the reputation of individuals, without affording them an opportunity for defence; and the employing of law officers of the commonwealth, in examining files of newspapers, for the purpose of collecting and divesting such publications, with a view of presenting them to the legislature, instead of a grand jury, is a departure from his constitutional province and an infringement on private rights." In support of the resolution, it was said, "that the

\* In this message, the governor insisted that the court and the grand jury were partial; and that the judge in his exposition of the law was mistaken. He referred to the common law of England on libels, and contended that it was in force in this country; and that it was not to be inquired whether the libels (as he called them) in the papers were true, or not; and that it was enough to prove them libellous, that they were intended to render the persons or party alluded to, unpopular and obnoxious. It was the more remarkable, that Governor Gerry, as the advocate of the democratic party, should advance this doctrine of the common law on libels, when that party had made great objections to the sedition law of congress, in 1798, though it expressly provided that the truth might be given in evidence, as a justification. Judge Parsons, before this, had made a distinction between a publication against a private person, and a candidate for public office, or one in office; "that what would be a libel in the former case would not be in the latter, because the truth ought to be known of a public officer, or candidate for office, for the good of the people, and the preservation of liberty."

message of the governor was most extraordinary and alarming ; striking at the fundamental principles of the constitution and of civil liberty ; tending, if suffered to pass into a precedent, to break down the barriers enacted by the constitution for the safety of the people, and to destroy all personal liberty and security ; that if the governor could thus put at defiance the privileges of trial by jury, and with his law officers dependent on himself, set in judgment on the printers, condemn them unheard, and proclaim their condemnation to the world, after the grand jury had refused to find bills against them, no class of citizens were safe, and all would be liable to the same exercise of power."

The dissatisfaction with measures of the general government, as they were deemed highly unfavorable to commerce, and indicative of a disposition in the administration to have a war with England, increased in Massachusetts, at this period ; and as governor Gerry advocated those measures, he lost the support of some moderate men of his political party. The policy of Mr. Jefferson, in attempting to injure Great Britain by suspending commercial intercourse with that country, was pursued by President Madison. The people of Massachusetts had long complained of such a course, as more injurious to the United States than to England. And when the conduct of Mr. Madison and his cabinet indicated war with that nation, the people became still more alarmed and more ready to complain. A war, it was said, would be highly injurious to America ; and it was not supposed necessary for the interest or honor of the government. The difficulties between the two nations, many contended, could be equitably adjusted by negotiation.

## CHAPTER XXXIV.

Governor Strong, 1812—His political opinions—Political character of the house—Bitterness of party feelings—Memorial against war—Governor's Speech—War declared against England—Call for the Militia—Objections to war—And to ordering out the militia—General order of the Governor, for the militia to be in readiness to repel invasion—Extra session of general court—The Governor's statement.

AT the election in April, 1812, by great efforts on the part of the federalists, who then advocated peace, and the free pursuits of commerce, Caleb Strong was chosen governor, in opposition to Mr. Gerry, who had been in office two years, and had the support of the democratic party. The elections for the governor and members of the general court called forth uncommon exertions. Mr. Strong was elected by a very small majority of votes; but the majority of representatives was also federal, and was then distinguished as the peace party.\* The public mind was greatly excited, and the spirit of political parties manifested itself with more than common bitterness.

It was now five years since Governor Strong occupied the chair of state; and during this period he had kept entirely aloof from party politics. In his address to the general court, on this occasion, as at a former time, when there were severe disputes between the parties, he aimed rather to allay, than to excite political controversy. Yet he administered mild rebuke, by implication, in the following paragraphs, to those who were ready to use the power of office, rather to reward political friends, than for the public good. "Our constitution

\* At the beginning of the session in May, 1812, before the declaration of hostilities by congress, but when it was heard the dominant party in that body were disposed to war, the representatives sent a memorial remonstrating against it, and praying that peace might be preserved. The votes were 406 for the memorial, and 240 against it.

forbids any exclusive pretensions to the honors of the state. Every class of men are entitled to partake of the same advantages, and have an equal and common right. If this is infringed, we may expect that discontents and animosities will prevail. We ought indeed, to select persons of ability and integrity for public employment. But if we make it a rule to advance only our political friends, we shall become the heads of a party, and be incapable of preserving, with equity and moderation, the rights of the whole people. In monarchies, the prince is the source of all power, and the fountain of honor and office. He therefore thinks himself authorized, in appointing his subordinate officers, to reward the attachment, and to purchase the future support, of his adherents. But, in republics, the people are possessed of the sovereign power, and legislators and magistrates, elected by them, are bound to employ their authority for the common benefit. They have no right to consider the power deputed to them as their own property, or to make vacancies or appointments, for selfish or party purposes. Should a contrary rule be established, it appears to me that political feuds would be endless and implacable. The persons in office, and their friends and retainers, would employ every method to prevent any change in an administration, while their rivals would be equally assiduous and eager to effect a change. From the frequency of our elections, there would scarcely be any interruptions in these struggles; and the longer they should continue, the greater would be their violence." Governor Strong, early in the session, submitted to his council, the propriety of restoring those persons to office, in the state, who, during the year preceding, had been removed solely for their political opinions. The council advised, that it would be proper and just that such persons should be placed in the respective offices, of which they had been deprived on account of party politics. Their restoration, or reappointment to office was accordingly made.

A few weeks after Mr. Strong was inducted into office, war was declared against Great Britain, by the general government, as had been sometime apprehended. The country was very poorly prepared for war, though administration chose the time to make the declaration. Little preparation had been made even for defence on the seacoast, or for the protection of commerce, and navigation which were exposed to the hostile attacks of a powerful enemy, by this unnecessary measure. The president immediately called on the governors of the several states, for aid to protect the country, by the militia; while the few regular forces, which had been raised,

by the administration, were sent to invade the British province of Canada.

The opposition to these measures was powerful and extensive, especially in the commercial states. It was said, the war was unnecessary, if not unjust; as negotiations, in a proper spirit had not been fully tried; and it was strenuously contended, that it was improper to rely solely on the militia, when the war did not come unexpectedly on the federal rulers, but they had selected the time to begin it; and it was further insisted, that neither the executive nor the legislature of the federal government had authority, by the constitution, to call the militia into the field, except to repel sudden and unexpected invasion, when government had no time to meet it in any other manner. No invasion existed, nor imminently threatened; and it was argued that when it did, and there was no other defence, then, and then only, it would be proper to call on the militia. Another objection, but in some measure implied in the general one already noticed, was to the requisition for the militia, which proposed to send a part of them out of the state, to place others at a great distance from their homes, and to station them at a few places, to wait for an invasion, (as it might, or might not, happen in three or six months,) and leaving other places, equally exposed, entirely defenceless. It was considered, indeed, that the order from the federal administration for the militia, was assuming a power not warranted by the constitution, in the situation of the country, and was destroying the distinct character of the militia, who ought not to be treated as permanent troops might justly be: as the militia were to be employed only in case of an invasion, and for the defence of a portion of the country, till regular forces could be raised for the purpose.

Governor Strong probably had these or similar views, when he declined to call out the militia of Massachusetts, on a requisition made by officers of the general government, in June, 1812, soon after the declaration of war. To the first and second request for the militia he gave no reply; for he probably was in doubt, what the constitution had made his duty in such a case: and he was also aware that no invasion was about being made, or imminently threatened at that time. When requested a third time, by a military officer of the United States, acting under directions of the secretary of war, the governor directed a note to the war department; in which he said, "that he was disposed to comply with the requisitions of congress, and of the president, where the constitution made it clearly his duty; but that no invasion existed, or threatened,



or was apprehended; that the militia were averse from going from their homes, except the emergency absolutely required it; that the stations proposed for the militia on the seacoasts, by the officer of the United States, who made the requisition, were not the most proper, and that other places equally required to be protected; and that it would be most economical and efficient, to call out the militia when invasion took place, or should immediately threaten.

Before sending this letter, Governor Strong had issued a general order, calling upon the officers of the militia to have their men in a state of preparation to march at the shortest notice, and to any place invaded or alarmed. And soon after, when application was made by the people of the towns in Maine, near the British territory, for aid, as they feared an invasion for sake of plunder, Governor Strong ordered several companies of militia to those places, and gave the President of the United States notice, that he might appoint a military officer to command them.

The administration and its friends censured this conduct of Governor Strong; but the people of Massachusetts generally approved of it; among whom were many of those who had before supported the measures of the general government. It was believed to be improper to depend on the militia for a long military service, which could justly be required of such only as should engage in that employment; and it was the prevailing opinion, that the constitution authorized the calling out of the militia only in case of sudden emergency, when there was no previous warning, and no opportunity to provide other defence: The language of the constitution, in reference to the subject, expressly confining the authority to call for the militia, "*to repel invasion.*" The war, besides, was unpopular, and the manner of prosecuting it neither able, judicious, or prudent.

Governor Strong had the approbation of the justices of the supreme judicial court, in the course he pursued. The constitution of Massachusetts provides that the governor may request the opinion of the judges in cases of difficulty. He referred the case to their decision; and their opinion was, that the governor of a state, who had the command of the militia thereof, had a right to judge whether there was an invasion, and therefore whether the militia should be ordered out, when called for; and that the militia should be commanded by the officers of their choice, as the constitution provided, except under command of a superior officer of the United States. It was an objection, at the time, with some, that the militia, when called into service, were intended to be commanded by an officer of

the United States, instead of the militia officers, chosen by their respective companies, regiments and brigades.

The decision and conduct of Governor Strong, respecting the militia, furnished matter for dispute between the two political parties, which had long divided the state and country. The friends of the national government condemned the conduct of the executive of Massachusetts, with great severity, as disorganizing, and as dangerous opposition to the authority of congress and the president; while the federal party contended, that the constitution was in his favor, and that the executive of the United States had assumed a power, in calling for the militia, when there was no invasion, not granted by the constitution, nor by the law of congress, which authorized him to make a requisition for them, in the occurrence of such an event. In the law of congress, the phrase of the constitution was carefully adopted, and it empowered the executive to call for the militia "to repel invasion." As there was no invasion when the call was made, and no immediate or imminent danger of invasion, Governor Strong contended, that he was not obliged to order them out. He argued, also, that if the president had a right to call the militia into service, when there was no invasion, and none immediately threatening, then he might call them out at all times, under the pretence that there might be an invasion, and keep them in service as long as he chose: and thus make a standing army of them, and direct and control them in the most arbitrary manner.

There was an extra meeting of the general court, in October, 1812, summoned by the governor, chiefly for the purpose of directing in what manner the electors of president and vice president of the United States should be chosen, as the two branches of the legislature did not agree on the mode, at the session in June. Governor Strong gave them information respecting the course he had pursued as to the militia: and he observed, on the occasion, "if this state had been in danger, I presume the regular troops would not have been ordered away: \* and, if they were so ordered, that the militia were not liable to be called into service and stationed in the forts of the United States, to do garrison duty, when no danger of invasion appeared. I am fully disposed to comply with the requirements of the federal constitution, and the laws made in pursuance there-

\* When the second or third call was made on the governor for the militia, in July, it was stated as an additional reason for the request, that the United States' troops, in the forts in Boston harbor, were ordered to the borders of Canada. If an invasion was expected on the seaboard of the state, it was strange the forts of the United States should be left without troops!

of; and I sincerely regret that a request should be made, by an officer of the general government, to which I could not conform. But it appeared to me that the requisition aforesaid was of that character: and I was under the same obligation to maintain the rights of the state, as to support the constitution of the United States."

"The officer of the United States army supposed, that he was authorized by the president, to require any part and even the whole of the militia, to be called out and marched to such places, in this and the other states, as he may think proper. If this be a correct construction of the constitution, then the president and congress will be able at any time, by declaring war, to call the whole militia of the United States into actual service, and to march them to such places as they may see fit, and to retain them in service as long as the war shall continue.

"Heretofore it has been understood, that the power of the president and congress, to call the militia into service, was to be exercised only in cases of sudden emergency, and not for the purpose of forming them into a standing army, or of carrying on offensive war. But according to the above construction, the right to employ the militia is made to depend, not on contingencies which the government might be unable to foresee or provide against, but on its own act; on the existence of a state of war, which the government has a right to declare, and to continue as long as it may think proper.

"Although many important attributes of sovereignty are given by the constitution to the government of the United States, yet there are some still belonging to the state governments. One of the most essential of these is the control of the militia, except in the exigencies above-mentioned. This has not been delegated to the United States. It is therefore reserved to the states respectively. And whenever it shall be taken from them, and a consolidation of the military force of the states shall be effected, the security of the state governments will be lost, and they will wholly depend for their existence on the moderation and forbearance of the federal government. \* \* Whatever sentiments may prevail among the people of this state, as to the justice or expediency of the war, I trust they will perform the duties enjoined on them by the constitution and the laws; and that they will do nothing to obstruct the government in the constitutional measures it may adopt."

The opinion of the governor, respecting his right to judge whether the exigency had occurred, on which the militia were to be called out, by the general government, and as to his

duty, in the situation in which he was placed, was approved by the majority of the legislature, and of the citizens of Massachusetts. And individual statesmen of distinction afterwards gave their testimony in favor of its soundness. Mr. Lloyd, a senator in congress, from Massachusetts, said, "The admission of the doctrine to the full extent, that the executive of the general government is the only judge of the exigencies when the militia are to be called into the service of the United States, at the time and in the manner which he may think expedient; that the militia can, by the junction of a large number to a few regular troops, be officered by the United States, and that the executive of the several states, contrary to their own belief in the existence of such emergency, should be obliged to bow before this tribunal, erected in the breast of a single individual, and to yield implicit obedience to such an opinion, must place them at the mercy of any future tenant of power; strip the individual states of their physical, as well as of their fiscal force, and scarcely leave a remnant of that self-dependence, which some of them suppose they rightfully possess."

Mr. Otis, also a senator in congress, referring to this question, observed, "If the president has a right, not only of deciding upon the existence of the constitutional contingency, which is to justify him in calling out the militia, but also of appointing his prefects\* to command them, he possesses the power at any moment, of converting the whole of the militia of the country, into *pretorian cohorts*. This is a tremendous power, and an awfully pregnant question, which it is not my purpose now to discuss. It is the question about the power of the sword, which settles all other questions. If it is clear the president has it, be it so. But is it so *clear*, that hesitation and inquiry on the subject become criminal? Was the retaining of the command of the militia by the governor, under the circumstances of the case, equivalent to an obstruction of the laws? a paralyzing of the means and agents of the government? Certainly, it will not be pretended."

\* The president divided the United States into military districts, when war was declared; and appointed a commander to each; who was to call for the militia when he pleased, station them where he pleased, and retain them as long as he pleased.

## CHAPTER XXXV.

Governor Strong re-elected—Measures of defence against invasion—Arms provided by the State for the people in the seaports—Regular troops ordered out of the state—Opinions of Political Parties—Public Declarations of a distinguished Federalist—Senate of Massachusetts—Resolutions in New York—Senators commissioned as Officers in the Army—Speech of Governor Strong—Disapproves of the War—Party Declarations and Opinions—Governor's Speech—Answer of Senate and House—Militia called out for defence, in 1814—Dispute with Military Officer of the United States—Castine taken by the British—Extra Session of the General Court—Governor's Speech—Answer of Representatives—Resolutions of General Court—Convention at Hartford—General orders of Governor Strong repeated, for the Militia to repel invasions—Who defended the State by his orders.

GOVERNOR STRONG was re-elected for the year 1813, though great efforts were made against him, by those who approved the measures of the general government. The majority of votes in his favor was greater than in 1812, and afforded the strongest evidence of the confidence of the people in his wisdom and patriotism. It was a period of great excitement and alarm; the conduct of the general government gave much dissatisfaction to the citizens of Massachusetts, but they confided in the prudence and firmness of Governor Strong to protect them from military despotism, and political harm.

No attack was early made by the British on Massachusetts, and no fears were entertained of an immediate invasion. The general order of the governor, issued in July, 1812, (soon after the declaration of war was published, and the call on him for the militia,) by which he required the militia officers to have their respective corps in readiness to defend the state, at any and every point, was renewed in 1813. The people, in some parts of the seaboard, who felt themselves particularly exposed, as there were some cruisers on the coasts, applied to the executive for arms and ammunition for defence, which were readily furnished them. The governor had before recommended to

the general court to provide means of defence to the people in the seaports, as the regular federal troops had left the state: and he was accordingly empowered to furnish such articles as might be deemed necessary for the purpose. A committee was appointed, consisting of three citizens, who had been officers of high rank in the war of the revolution, to attend to this service, under the direction of the governor.

When the administration, at this period, requested a loan, to meet the expenses of the war, and for its further prosecution, very few in Massachusetts subscribed to it. Some declined from a want of confidence in the wisdom and prudence of administration; but more, from a principle of decided disapprobation of the war. The friends of the general government condemned the capitalists who refused to loan their money; and even branded them as enemies of liberty and of the union. The spirit of party had become still more exasperated. The federalists denounced the administration, as waging war without good cause, and as intending to give indirect aid to the French nation. The democratic party denounced the federalists, in their turn, as friends of Great Britain, and intending to divide New England from the other states in the union. What were the private views of the leading men of both parties no one is authorized to determine. The difficulty is explained, however, by supposing, that the administration was led to adopt its measures, from prejudices against England, and too great partiality for France, together with a different estimation of the importance of commerce from the northeastern states; and that the federalists had the greatest abhorrence of the rulers of France, with whom there was danger of an alliance; and who wished to maintain a good understanding with Great Britain, whose trade was highly profitable. The federalists, however, had other and higher views. They believed the war unnecessary, and they found it was prosecuted without economy and without system. And they contended, that an open and manly diplomatic course on the part of the United States would have secured the essential rights and interests of the country without resort to arms.

The strongest language used by the federalists, at this period of irritation and alarm, was as follows:—"They *feared* the anti-commercial system, and other impolitic and injurious measures of the general government, might lead to a severance of the states"—"that they considered the union of the states as an inestimable blessing, and that they deeply deplored a system of measures, which *might* disaffect a portion of the community to the national compact." An eminent man of the federal

party, in a public address, said, "Let us cleave to the union, to the last extremity." And he added, "It is the universal sentiment among the federalists, that the force of the motives which led to the union, though weakened, is not so impaired as to justify the attempt, or even the wish for a separation. With great regret some are compelled to believe, indeed, that public affairs are sadly conducted, and may hasten such an event. In order to prevent it, therefore, they sometimes express their fears of such a calamity. But they are desirous the people of the commercial states should exercise patience and forbearance, submit to all reasonable privations, and attempt all practicable experiments to obtain relief from the oppressions of the present system. We ask that commerce, for the prosperity and protection of which the federal government was chiefly instituted, may not be systematically crippled in peace, nor systematically burdened in war. Such a system is unequal, and cannot be endured. The union is dear to the people of Massachusetts. Commerce is also dear to us. But what symptoms of disaffection or disunion in this declaration? When the people fully perceive the destructive tendency of the anti-commercial system, they may prefer to follow the example of their virtuous ancestors, and quit a country which will not protect their rights, rather than to suffer oppression and ruin." \*

The senate of Massachusetts, for 1812, was democratic, owing to the formation of new senatorial districts the preceding year. It was designed for party objects, so as to give a democratic majority to that body, when, according to the usual and most convenient division of the state, the majority would have been federal. Great complaint was made of this measure, and eventually it injured the party which projected it, to perpetuate its own political power. The members of that branch of the legislature were very firmly fixed in their respective opinions

\* The following resolutions, passed at a large meeting of highly respectable characters in New York, about this time, will shew their views of the policy of the war. The public paper, which published them, stated, that the resolutions were approved by Mr. Jay, Mr. King, Judge Benson, Matthew Clarkson, and Richard Varick:—"That war, one of the greatest calamities which afflict mankind, when waged without just cause, is an affront to the Divine Being—that the war, lately declared, by a bare majority of congress, is unwise; that it would have been difficult so select a period more unfavorable for a measure so portentous; the United States being unprepared, the treasury empty, the property of our citizens in the hands of those now made our enemies, the revenue impaired by imprudent commercial restrictions, and now by the war destroyed. And that we are irresistibly drawn to the conclusion, that the American people will be subjected to the will and power of the French emperor. We are therefore under the dire necessity of declaring, that we have no confidence in the men who have brought us to this perilous situation."

and measures. But some of the democratic members discovered a commendable spirit of independence, in a vote taken by that body, attempted to be decided by mere party feelings. Two of the senators received commissions for the regular army of the United States, in the summer of 1812, after they had been chosen; and after they had occupied their seats at the board. It was generally considered highly improper for them to retain seats in the legislature after accepting their military commissions in the army of the United States. The resolution introduced in the senate, declaring their seats vacated by their acceptance of military commissions in the army, was approved by the majority; five of the democratic members voted for the resolution. There were only nine members against it. Some of the persons who voted in favor of these senators retaining their seats, under these circumstances, had expressed an opinion against the propriety of Mr. Jackson remaining there, in 1789, when he was federal marshal of the district.

The remarks of Governor Strong, in his public speech to the general court, in June, 1813, will develope similar views to those given at a former session, respecting the war, and the rights and duties of the people at that critical juncture; but they are so important to the cause of well-regulated liberty, and to the support of republican institutions, that they ought to be often presented; especially as he thought proper to press them on the minds of the people. "We are bound to obey the laws made in conformity to the constitution. But that ensures to us the freedom of speech: and at this momentous period, it is our right and duty to inquire into the grounds of the present war; to reflect on the state of public affairs; and to express sentiments concerning them with decency and frankness; and to endeavor, as far as we have influence, by temperate and constitutional means, to promote an honorable reconciliation. By an unnecessary war, the deepest guilt is incurred; and therefore every belligerent nation should inquire, which of the contending parties is justly chargeable with that guilt. It has been said, that our national honor compelled us to engage in a war with Great Britain. The honor of a nation consists in the display of its wisdom, justice, moderation, and magnanimity. It requires the government to regulate its conduct for the greatest advantage of the state, and to pursue that series of measures, which will most effectually promote the welfare of the people. But that species of honor which would prompt us to wage war for every supposed instance of abuse or disrespect, is not the honor of a wise and moral people. So far as conquest is the object of the present war, its policy, to say nothing



of the justice of it, must be extremely doubtful.\* A few individuals may gain by an offensive war; but the great body of the people have nothing to gain or hope for. In republics, the increase of power has often occasioned severe calamities, by increasing their pride and arrogance, and inspiring rash councils and extravagant measures. And when they have been successful in foreign wars, and acquired the title of conquerors, they have generally and speedily lost their free form of government."

During the year 1813, measures for the defence of the state were continued, chiefly on the seacoasts, where invasion would be made, if attempted at all. Some fortifications were thrown up, and small companies of the militia were occasionally called out. Governor Strong recommended this preparation; and the general court readily made appropriations to a large amount, to be expended as the executive should direct. The governor was desired to call on the general government for fire-arms to supply the militia called into service, according to a former act of congress. The law provided, that each state should have arms for the militia, at the expense of congress, in proportion to their respective numbers. But the secretary of war declined furnishing any arms for Massachusetts, on the plea, that other parts of the United States were more exposed, and the militia in those parts had greater need of them. This refusal was matter of complaint in Massachusetts, the seacoasts being very extensive, and more exposed to the British ships, than most other states, and all the regular troops being marched from its limits. To which was added, that the administration had a year before called for the militia to be ordered out for the protection of the coasts, even then in danger of invasion.

The question, as to the constitutional power of the president to call out the militia, was still agitated; and was the occasion of many political essays in the public papers; some of which, as in all party disputes, were distinguished rather for asperity than argument. The federal party, as it was designated, though charged, in the administration of Mr. Adams in 1798 and 1800, with extending the powers of congress and the general government, by a liberal construction of the constitution, now insisted on keeping the national rulers to the strict letter of that compact. They denied the right of the president to call out the militia, and therefore the obligation of the governor

\* Soon after the declaration of war, though said to be solely for the defence of the country, the regular troops were ordered to invade Canada, and to add that territory, by conquest, to the United States.

of a state to order them into the field, except to repel invasion, as provided in the constitution: as otherwise there was no limits or control of his authority to convert them into a permanent army. The friends of the administration asserted, that the nature of the case supposed, that the president might call them out to prevent invasion according to his own judgment, his own belief of danger, or to give full effect to his plans of defence; in which case, he might order away the regular troops for other purposes, and rely solely on the militia for defence of a state, to be ready for which, it might be necessary to prevent as well as to repel an invasion. The executive, they said, was to defend the country, and he must have the disposal of all its force, and be responsible for the manner of exercising his power. The parties appear to have been at issue on this subject. And yet the admission of the secretary of war (Mr. Monroe) in February, 1814, and the doctrine of Governor Strong were not at so great variance, but they might have been reconciled. And it was the opinion of many of the citizens, that if the commanding officer of the United States service, in the District of Massachusetts had been duly conciliating and courteous, there would have been no collision. Mr. Monroe said, in a letter to congress, "*the military commanders were required, by the president, to watch the movements of the enemy, and to summon the militia to the field, on menace of invasion.*" The object was to afford the best protection, with the least possible burden to the people." The orders of Governor Strong, though he declined putting the militia under the United States officer, as requested, or calling them out when there was no invasion, nor imminent danger of it, secured the object of the president, consistent with the rights of the militia and with the least burden to the people.

In December, 1813, congress passed an embargo act which added to the sufferings and increased the complaints of the people. It was so severe as to inderdict the coasting trade between ports in the same state, and the fishing business in small craft near the coast; which proved very oppressive to a great portion of the inhabitants. The reason given for this measure was, that some vessels which cleared out as coasters went to the ports of the enemy. The law was the more obnoxious, because it gave power to the president and his agents to dispense with its prohibitions in favor of some towns, and thus gave an opportunity for the display of political partialities. The fishermen of Boston, who were thus arbitrarily deprived of the means of obtaining their daily bread, petitioned the general court for relief. They said, "they were aware

that the nation was involved in a disastrous and ruinous war; but though they were ready to submit to the necessary privations it might occasion, they had to learn that any principles of civil liberty, of expediency, or even of despotism could justify the sacrifice of one portion of the community, while others were permitted to riot in prosperity and luxury. With the light which the constitution affords, we have searched for the authority of congress to restrict the coasting trade between ports in the same state, but can find no such power given. We formerly thought there was a division of sovereignty, and that some portion of power was reserved to the states, respectively. We did not know, till painful experience convinced us, that state sovereignties were an empty name in the opinion of the national rulers."

During the session of the general court in January, 1814, petitions were preferred from more than fifty towns, many of them in the interior of the commonwealth, stating the suffering condition of the people, and expressing great dissatisfaction with the measures of the general government. The committee to whom the petitions were referred, reported resolutions, which were approved by a large majority, "declaring the embargo act, in many of its provisions, as not warranted by the constitution, and as violating the rights of the people; claiming the right at all times of fishing on and near the coasts, and of passing from one port to another within the state; and of the necessity of these pursuits to the support of a large portion of the citizens; that the power of interfering with these pursuits was never delegated to congress, and that the act prohibiting them was unconstitutional and void. That, as the complaints of the people constitute a continued claim on the government till their grievances are redressed, the several petitions presented to this general court, be delivered to the governor, with a request that they be laid before the legislature, at an early day of the next session."\*

The friends of the national administration censured the conduct both of the people and legislature of Massachusetts for disapproving and remonstrating against the measure of the general government. They contended that Governor Strong and the general court had no right to interfere with the measures of the national government, whose power was para-

\* In 1814, the legislature made a liberal appropriation for the benefit of the colleges in the state. To Harvard University ten thousand dollars a year were granted; and to Williams and Bowdoin Colleges three thousand each. This appropriation was from the proceeds of the tax on banks; and was continued for the period of ten years.

mount in all cases to the authority of a state, especially, as to war and peace, and as to the mode of conducting the war. The governor was charged with violating his oath and his duty, in not implicitly obeying all the orders of the president and his officers. It was also attempted to be shown, that the war was necessary and just; and therefore required the support of every patriotic citizen. Governor Strong was charged with "impertinence" for questioning the wisdom or constitutionality of some measures adopted by the national administration; and it was pretended that he was engaged in the unholy design of opposing the general government by force, and of intending to destroy the union.

These charges were no further well founded than that Governor Strong and the federal party disapproved of the war and often remonstrated against it. They who made such charges had forgotten perhaps, that their party had condemned and remonstrated against the treaty made with England by General Washington in 1794, and the measures of Mr. Adams in 1798, in much more severe and threatening language. But party politicians seem to think little of consistency, except it is so great as to affect their popularity and influence. The men, who at one period have contended most zealously for state rights, have, in other circumstances, denied that the rulers of a state had any right to inquire whether the acts of the national administration were constitutional, or could justly hesitate in complying with the orders of the federal government. The dominant party can always find reasons for reconciling their measures to the constitution; and the opposition at the same time will attempt to show that the constitution has been violated by those in power.

Although the opposition to the war continued, greater preparations for defence were made in the spring and summer of 1814, than in the preceding year. The danger of invasion, or of depredations on the coast had increased. A greater number of the enemy's vessels were hovering near the harbors than at any former period of the war. The United States forts in the harbor of Boston were left almost destitute, and the navy yard and public ships and stores were exposed to attacks from the British. Detachments of the militia were called out in various places, at this time, and some were stationed at Charlestown, by request of the naval commander, for the protection of the property of the United States there deposited.

Governor Strong was elected in April, 1814, by a larger vote than the year before, though not without great efforts in

opposition to him. A large majority of the citizens had full confidence in his wisdom and prudence ; and he bore public testimony to the forbearance and patience of the people under their severe privations, which were owing to the war and the measures adopted to sustain it. He referred to the late embargo and non-importation laws of congress, and to the restrictions on the fisheries, which, though believed to be unconstitutional, had been borne without any overt acts of opposition. "Our national rulers," he said, "had no reason to expect, that, as we believed the war unnecessary and unjustifiable, we should do any more in support of it, than the constitution requires. But as congress have authority to declare war and to lay taxes to defray its expenses, we are bound to obey the laws duly enacted for that purpose ; and I am happy to observe, that none of the measures of the general government have been opposed by force or violence ; and that no dangerous commotions have disgraced the people of the commonwealth."

The sentiments of the majorities in the senate and house of representatives, as to the policy of the general government, at this period, will be fully disclosed by their replies to the governor's speech. "The injuries," (said the senate) "which the people of this commonwealth have experienced, and the sufferings they have endured, from the oppressive measures of the national government, have been great and manifold ; and have been borne with a patience almost unexampled. Among these measures, the system of commercial restrictions, which, for nearly seven years, has been so cruelly enforced, is not the least considerable. Under the operation of this system, our citizens have been driven from their accustomed employments, deprived of the means of subsistence, and cut off from all the sources of wealth. Not only has their intercourse with foreign nations and the neighboring states been prohibited, but they have been even interdicted the right of navigating from port to port within the limits of the state, and of fishing on its coasts. Powers, which the people of this commonwealth had never delegated to the national rulers, have been exercised with great severity, for their distress and impoverishment ; and rights, which they never surrendered, have been torn from them by a ruthless hand, under the forms of law. And to oppressions and restraints, alike hostile to the principles and the express provisions of the constitution, it was not to be expected, that a free people, jealous of their rights, would long submit in silence. \* \* \* Our national rulers and the world well know that the sons of Massachusetts, the

descendants of those who achieved our independence and founded the American republic, are not regardless of the rights, the honor, or the interests of the nation. They know full well that in a just and necessary war, a war for the maintenance or defence of either of these great objects, no sacrifices would be deemed too great, and no privations intolerable. In the opinion of the senate, it is not only the right but the duty of a people, mindful of what they owe their country and posterity, to oppose, by all peaceful and constitutional means, a war thus declared and thus prosecuted. But we are happy to observe, that none of the measures of the general government have been opposed by violence, and that no dangerous commotions have disgraced the people of this commonwealth. The war has been one of great expense and suffering, and may be one of disgrace to the rulers of the nation ; but we trust and believe that it will not terminate in our slavery and subjugation."

The house of representatives, in their answer, referring to the embargo act, passed in December, 1813, observed,—“ This law not only overleaped at once the limits of constitutional authority, but manifested an open and undisguised attempt to establish an arbitrary despotism, enforced by military power, not sanctioned even by the forms of legal process, and utterly subversive of the first principles of civil liberty. What are the high and invaluable privileges which distinguish a free people from the slaves of a capricious despotism ? Are they not these ? To be at all times secure in their persons, property and pursuits ; to be governed by known and equal laws, and to be judged only by legal and constitutional tribunals ? Yet how deeply does the act mentioned entrench on all these rights and privileges ? After a general prohibition of the coasting trade, the president was authorized to give permission to individuals, at his pleasure ; which must necessarily introduce an odious system of favoritism.

“ We join your excellency, in commending the forbearance and moderation which have been displayed by our fellow-citizens under their various privations and sufferings. Though deeply imbued with the love of civil liberty, yet they are impressed with the love of order, of good government, and of respect for the laws. The love of liberty, which animates the people of this commonwealth, is not the unprincipled licentiousness of such as seek, in violence and civil commotion, the gratification of selfish passions ; but a firm and unshaken attachment to their constitutional rights, regulated by wholesome and energetic laws. Grossly, therefore, do those

mistake the character of our citizens, who regard their forbearance as the result, either of that ignorance, which cannot discern, or of that pusillanimity, which will not protect their essential rights. The house lament the continuance of the war in which we are involved. And we have no hesitation in expressing our firm conviction, that, as men governed by moral principle, it is our duty to abstain from every voluntary act which would give encouragement to the prosecution of the contest. We shall, however, concur in any measures, which may be proper for the purpose of defence; and which may become necessary, in consequence of the neglect of the national government to employ the means, which the constitution has put into their hands, to provide for the common defence and general welfare of the people."

At the session of the general court in June, 1814, it was voted that one million of dollars be provided for the defence of the state, to be expended under the direction of the governor. There were then more of the enemy's ships on the coast than had been in 1812 or 1813; and as the United States' army had gone against Canada, it was apprehended that the British would retaliate, by attacking the seaports. The former general order of the governor to the major generals, and other officers of militia, to be in preparation to march on short notice, was declared to be in force; and to various places on the seaboard, brigades or regiments, or battalions, were actually marched at the desire and for the protection of the inhabitants, then in danger of sudden attacks.

In the course of the summer, several thousands of the militia were called out, and served for a longer or shorter period, as the exigencies required. An agreement was made with the officer of the United States, commanding in Massachusetts, and the adjutant general of Massachusetts, by consent of Governor Strong, to call out all the militia in Boston and vicinity, if it should be necessary to repel an invading foe: the officer of the United States was to have command of the whole, but the officers of the militia were to retain their respective commands, according to their elections. A similar arrangement was made by the adjutant general, in July, by authority of the governor, with another officer in the service of the United States, who had succeeded to the former in Massachusetts. The regular troops were very few; and the militia were wanted to be stationed in the forts, or to be encamped near Boston, where they could act with effect, if the enemy should make an attack on the forts, the navy-yard, or the metropolis. This arrangement, however, was not carried into effect entirely, and in all its parts.

For the officer of the United States required a new organization of the militia, which would have the effect of placing the men under officers whom they did not elect, and under whom they had not before served; and in some instances, difficulties arose by placing United States officers of a lower grade over those of the militia. Still two regiments were stationed in the forts in Boston harbor, and placed under the command of a general of militia, such as the United States officer selected, and over whom he had full control. But when an additional number of the militia were called for, by the officer in the commission of the president, to be put under his sole and entire command, it was declined by the executive of Massachusetts, because it was found, that the militia, both men and officers, remonstrated against such a measure. The same difficulty had just before actually occurred at Portland, where the officers of militia generally refused to march under such circumstances. There, indeed, another objection arose, which was, that a major or lieutenant colonel of the United States army was to command a higher officer of the militia.

Notwithstanding Governor Strong declined, for the reasons above-mentioned, placing the militia under the United States officer, the danger of attack, he thought, required calling them out for the defence of the capital and vicinity. A division was accordingly ordered to march from the interior, and was stationed in Dorchester, near the bay, where it remained till the month of November, ready to repel invasion, if attempted by the British.

Alarms prevailed in various places on the seacoasts, during the season, on account of the enemy frequently appearing, who had now become more exasperated by the capture of several of their ships of war. Detachments of the militia were ordered to New Bedford, Falmouth, and other places on Cape Cod; to Plymouth, Scituate, Marblehead, and Salem; York, Wells, Portland, Wiscasset, Camden, Belfast, and Castine.

In the course of the summer and autumn, the British took possession of Eastport and of Castine. They approached those places with a large naval armament, and there was no similar force to resist them. The navy of the United States was employed in other necessary or important service, and was not therefore, ordered to attack the British vessels in those waters. Governor Strong was requested to assist in dislodging the British, by men or money. He was of the opinion that it would be in vain to attempt it without a sufficient naval force, which he could not command. And he had no authority, if disposed, to furnish the money of the state for such an expedi-



tion, unless expressly empowered by the legislature. The representatives were opposed to any such appropriation. Heavy complaints were, therefore, made by the friends of administration against the governor and the general court, for declining to engage or assist in the enterprise. But it was replied, that it was peculiarly the duty of the general government to defend or relieve places where their own forts were located; that the militia from the vicinity of those places were not equal to recapture the forts; that those in the more populous towns were needed at home, to protect their own respective vicinities; and that it would probably fail and prove a great loss of lives, to make an attack without a navy as large as that of the enemy.

Early in October the governor summoned an extra meeting of the general court. It was a time of great alarm, and the armed ships of the enemy near the coast had much increased. The governor was too cautious to assume the whole direction of affairs in such a crisis, and too prudent to subject the state to great expenses, without the approbation of the representatives of the people. In his message to the legislature, he made a particular statement of the measures he had adopted subsequently to the former session: and gave the reasons why he had not, in all cases, called out the militia, and put them under the officer of the United States. And he added, "The situation of the state is very dangerous and perplexing. By the terms of the constitution, we have been led to rely on the general government to provide the means of defence; and to that government we have resigned the revenues of the state. It has declared war against a powerful maritime nation, whose fleet can approach every part of our extended coast, and we are disappointed in the expectation of a national defence. But though we may believe the war was unnecessary and has been prosecuted without any useful or practicable object against a province of the enemy, while the seacoast of this state has been left almost wholly defenceless; and though in such a war we may not afford voluntary aid to any of the offensive operations, there can be no doubt of our right to defend our possessions and dwellings against any hostile attacks."

The views of the general court, at this period, will be perceived by the report of a committee, to which the message of the governor was referred, and which was accepted by a very large majority of the representatives:—"The state of the national treasury requires a great augmentation of existing taxes; and if, in addition to these, the people of Massachusetts, (deprived of their commerce and harassed by a formidable enemy,) are compelled to provide for self-defence, it will be im-

possible for them long to sustain the burden. There remains no alternative but submission to the enemy, or the control of their own resources, to repel his aggressions. *It is impossible to hesitate in making the election. This people are not ready for conquest or submission.* But being ready and determined to defend themselves, and having no other prospect of adequate means of defence, they have the greatest need of all those resources derivable from themselves, which the national government has thought proper to employ elsewhere. If the war is to be continued, provision should be made for a military force, in addition to the ordinary militia; as the continual calls on them to march from home at all seasons, and to remain at a distance from their families, will be the most oppressive and least economical of any mode of defence, in a protracted warfare. The people of this commonwealth ought to unite, and no doubt will unite, under any circumstances, at the hazard of all which is dear, *in repelling an invading foe*; but this obligation does not forbid just complaint against the authors of the public calamities. On the contrary, it is a solemn duty to hold up to view, on all occasions, the destructive policy, by which a state of unparalleled national felicity has been converted into one of humiliation, of danger and distress; believing, that unless an almost ruined people will discard the men and change the measures which have induced this state of peril and suffering, the day of their political salvation is past. It is not to be forgotten, that this disastrous state of affairs has been brought upon Massachusetts, not only against her consent, but in opposition to her most earnest protestations. Of the great evils of war, especially in the present state of Europe, the national rulers were often warned by the people of Massachusetts, whose vital interests were thus put in jeopardy. But the general government, deaf to this voice, and listening to men, distinguished in their native state only by disloyalty to its interests, and the enjoyment of a patronage bestowed on them as its price, have affected to consider the patriotic citizens of this great state, as tainted with disaffection to the union and with predilections for England; and have lavished the public treasure, in *vain* attempts to fasten the odious imputation."

Resolutions were also passed by the general court, at the same session, of the following import:—"That as the calamities of war were brought home to the territory of the state, the seacoast invaded or exposed to immediate danger, the people are bound in patriotism to unite in vigorous means for defence, and no party dissensions should interfere with the discharge

of this high duty: that ten thousand men be raised for one year for the defence of the state, to be organized and officered by the governor: that he be authorized to borrow a million of dollars, and the faith of the legislature pledged for the payment: and that delegates be chosen by the general court, to meet other delegates from the neighboring states, to confer on the subject of their public grievances and concerns; on the best means of preserving our resources and of defence against the enemy; and to devise and suggest for adoption of those states such measures as may be deemed expedient; and also to procure, if they should think proper, a convention of delegates, from all the United States, to revise the constitution, and more effectually to secure the support and attachment of the whole people, by placing all on the basis of fair representation."

Before the close of this extra meeting of the general court, another report on the state of public affairs was made by the committee above-mentioned, and approved by a majority of more than two to one, in which the opinion was expressed, "that the application of the governor to the national administration, for aid and means for the defence of the state, was just and proper, and the refusal truly alarming to the people;\* as it is provided by the constitution that the United States shall protect every state against invasion. To enable the United States to do this, power is given to call forth the militia 'to repel invasions,' to provide for organizing, arming, and disciplining the militia, reserving to the respective states the appointment of its officers. \* \* Before the adoption of the federal constitution, Massachusetts possessed every attribute of sovereignty: and the people would not have surrendered those relating to peace and war, to negotiation and intercourse with foreign nations and to the resources of the state founded in taxation, but on assurance that the powers so delegated would be used to provide for the common defence, to protect the state against invasion, to promote the general welfare, and to secure the blessings of liberty to them and their posterity. At the time, then, when a war, commenced by our national rulers, is

\* The governor wrote to the secretary of war, stating the great expenses incurred by the general court in the measures for defence, as there were no regular troops of the United States ordered for protection, and requesting aid of the general government. The secretary of war replied, that no expenses of the militia would be reimbursed, but when called out in obedience to the orders of an officer of the United States. Nor did he promise either men or money for future protection. Thus the state was left to protect itself, and was obliged to provide for the expenses of its defence, while it was contributing largely to the national treasury.

prosecuted to conquer a province of the enemy, and is retaliated on the seacoasts with powerful fleets to distress the people and desolate the country, the reply of the secretary of war may justly be considered as evidence of a disposition on the part of the national administration, *to withhold the equal benefits of the union to which this state is entitled.* By this reply it appears, that the national rulers, soon after the declaration of war, anticipated danger on the seaboard; and though it was certain the Atlantic frontier would be invaded, the troops of the United States were employed for the conquest of Canada, and the only provision for defence was to divide the United States into military districts, (with a few regular troops,) under the command of an officer of high rank, with power to call for the militia as he might think proper. If this system was intended as a performance of the duties which the general government owes to the several states, it behooves Massachusetts to inquire, *whether those measures be a fulfilment of those duties: and if not, to seek that redress, which is consistent with its duties to the union, and which its rights demand; and to ascertain the measures proper to be adopted to meet the dangers which the policy of the national rulers has produced.* When the people of this commonwealth call to mind, that since the adoption of the federal constitution, \$30,000,000 have been paid into the treasury of the United States from this state; when they reflect that \$300,000 are now to be collected as a direct tax, that of \$11,660,000 already appropriated for this year, they must pay \$1,265,000, and that the proportion of this state of the \$50,000,000 to be raised in 1815, will exceed \$5,000,000; they cannot bear without indignation, *that no part of these sums are intended to be applied to defray expenses incurred by them in protecting themselves against invasion, (left as they are to their own militia for defence,) except when the militia are called for by an officer of the United States army."*

Governor Strong issued general orders in July, and again in September, 1814, similar to those given in July, 1812, in which he directed the whole militia of the state to be in readiness to repel invasion, when it should take place, or the danger of it be imminent; and requiring the officers to inspect their regiments, brigades and divisions, and to march with such number of men as the case demanded to the places attacked or threatened. This was proof of good judgment, of a just regard for the rights of the militia, and of a disposition to provide for the defence of the commonwealth: and his consent to call out the militia when requested, and to place them under the command of the officers of the United States, as was done when invasion had taken

place, or immediately threatened,\* and when the conditions required by those officers were not inconsistent with the rights of the militia, and by them expressly remonstrated against, affords evidence of his readiness to comply with the just requisitions of the federal rulers.

Great expenses were probably prevented by the system which was adopted by the governor, and the rights of the militia were preserved, which many believed would have been violated by a compliance with the plan of the national administration, and the orders of its military officers, which would have required the same service of them as of regular troops. Adjutant General Brooks, under whose immediate direction the orders respecting the militia were issued, and who had the entire confidence of Governor Strong, both for his bravery and prudence, probably arranged the details of the system; but the principles which were adopted, and which guided the measures for the defence of the state, must have been approved, and, no doubt, were suggested by the governor himself.

A distinction was made, at a subsequent period, between the services rendered by the militia, in the counties of Plymouth, Barnstable, and Bristol, belonging to the fifth division, and those performed by the citizens in other parts of the state. It was asserted, that the services of the former were more patriotic, having been entirely voluntary and spontaneous, and therefore entitled to a remuneration by the general government. But there was no just foundation for this distinction. In all places, the militia turned out readily, though not without orders from the governor, their constitutional commander-in-chief. His orders, originally, and afterwards, were to officers of the militia of all ranks to call out their men, when necessary for defence. And it was in compliance with these orders, that they were called into service by their respective officers. The major general of the fifth division, in his several orders, calling on the militia to march to particular places for the protection of the people, referred to the general order of the governor, directing him to have his men in constant readiness, and to

\* In August, 1812, when there appeared to be danger of an attack at Eastport, several companies of militia were ordered to that place, and put under the command of an officer of the United States. When Captain Brainbridge asked for the militia to protect the Navy Yard in Charlestown, they were ordered out for the purpose. When General Cushing, in June, 1814, requested the militia for the protection of Boston and vicinity, it was agreed to call out the number he desired, and put them under his command. And when General Dearborn, in July, 1814, requested the militia to be in readiness, orders were issued by the governor accordingly; and eleven hundred were stationed at Forts Independence and Warren for sometime, under such officers as General Dearborn desired, and subject to his command.

march them to the scene of danger and of alarm, without waiting for particular commands from him in every case. In a public letter, in 1817, the commanding officer of that division says, "that the governor was pleased to devolve on me the responsibility of directing the militia in this division, if there should be an invasion, or imminent danger of it." To various places within that division, the militia were accordingly called out, in greater or less numbers, and for a longer or shorter period, as the circumstances required. But the same was done in and about Boston; at Portland, and at Wiscasset; where General Sewall's and General King's divisions furnished large numbers, in times of alarm and danger.

## CHAPTER XXXVI.

Hartford Convention—Its Proceedings—Approved by the General Court of Massachusetts—Objects of the Convention—Act of Congress to authorize a State to employ the Militia for Defence—Intelligence of Peace—Controversy touching the right to call out the Militia—Governor's Speech on the subject—Mr. Gore's Opinion on State Rights—Terms of Peace—Manufactures—Mr. Strong again Governor, in 1815.

DURING the session of the legislature in October, 1814, in compliance with a resolution adopted by a large majority of the representatives, twelve citizens, distinguished for their political experience, public services, and sound judgment,\* were selected to attend a convention of delegates or committees from the New England States, to consult for the defence and welfare of that part of the country, in the critical and exposed situation in which it was placed by the war. The convention was held at Hartford, in Connecticut, on the 15th of December following. Delegates attended also from Connecticut and Rhode Island; and several counties in New Hampshire were represented; but the legislature of that state declined choosing a committee for the purpose.

The convention separated early in January; and the delegates from Massachusetts made a report of their proceedings to the general court, which met a few days after they returned. The doings of the convention were approved by a large majority of the general court; and a vote of thanks was passed to the delegates, who were citizens of the state. The governor

\* They were George Cabot, (who was president of the convention) Nathan Dane, William Prescott, H. G. Otis, Joshua Thomas, Hodijah Baylies, Timothy Bigelow, George Bliss, Joseph Lyman, Daniel Waldo, S. S. Wilde, and Stephen Longfellow. That these men were truly patriotic, and acted from pure motives, the candid of their political opponents did not dispute. That they were fallible, their friends did not deny. Yet their views were much misrepresented, for party purposes.

also spoke of their proceedings, as proof of great moderation. The measures proposed by the convention were, "that application should be made to congress, for its consent to an arrangement, by which the states represented in the convention, separately, or unitedly, might assume the defence of their territory, at the national expense; and that certain amendments to the constitution of the United States be proposed to the several states, for their consent and adoption." The amendments proposed were, that congress should not have power to make war unless *two thirds* of the members of both branches should be in favor of it: that no law should be passed laying an embargo, for a longer period than sixty days, at once: that no law suspending commercial intercourse with foreign nations should be enacted, unless *two thirds* of the members of congress should consent and approve: that no person should be eligible for president of the United States a second time: and that the representation in congress should be according to the free population of the states. It was also recommended by the convention, that a request be made to congress for aid to defend the state, exposed as it was to invasion, in consequence of war, declared by the general government, which had the control of all the revenue of the nation. And when the general court passed resolutions, approving of the conduct of their delegates to the convention, they voted to send agents to the federal government, "to represent the exposure of the state, and the feelings and apprehensions of the people; the great expenses to which the state had already been subjected; and to solicit of congress and the administration the means of future protection, as well as a reimbursement in part of what the commonwealth had already advanced, for the defence of the country. This measure was considered necessary to satisfy the people: for if the war should be continued, and no means of defence furnished by the general government, the great body of the people would probably be called into service, as militia, to protect the inhabitants from the depredations of the enemy. Three eminent citizens\* were appointed for this object, who proceeded to the seat of the national government, in February, soon after they were commissioned. About the time of their arrival, the intelligence of peace was received, and no application was made to congress, as had been proposed.

The convention at Hartford, held by recommendation of Massachusetts, was, for many years, condemned by a large portion of the people through the United States. But its design

\* H. G. Otis, T. H. Perkins, and William Sullivan.



was probably not fully understood, or not candidly and fairly represented. The people of Massachusetts, and of the other states on the seacoasts, had suffered exceedingly, for more than two years, by a war which they could not perceive to be necessary, and which, instead of being for defence, as pretended, had been made one of conquest, by the invasion of Canada. And when the regular forces of the nation were ordered away, and the militia called for to defend the country, the requisition and the system proposed were such, that the militia complained and remonstrated, and the experienced statesmen of Massachusetts and some other parts of the union, believed them to be arbitrary and unconstitutional. The militia, therefore, were not called out in all cases, as requested by the officer of the United States. But whenever there were attacks, or invasion immediately threatened, the militia were called into service: and the public debt, in consequence, had become very great. Still the general government had all the revenue in its own hands: and when requested to reimburse the expenses incurred, only in part, or to furnish means of protection, the administration refused to do either. In this state of things, and a prospect of the continuance of the war, the plan was suggested for a convention of delegates from the New England States, to devise means for protection, and to propose a remedy for the evils under which they suffered, and to which they were exposed, in future.

Such was the cause, and such were the designs of the convention at Hartford. It was charged with plotting against the union; but there was nothing in the first proposition, nor in the resolves preparatory to the convention, nor in their proceedings,\* nor report, which was in favor of a separation of the New England States from the union; nor which could be fairly construed, as implying or intimating such a measure. The minds of the people were so agitated, that some steps were necessary on the part of their representatives to shew that every just and constitutional means would be adopted to obtain relief. The measure adopted was to consult with citizens of neighboring states, and to apply to congress for protection, or the means of protection. And thus the people were kept from violent acts against the laws, and induced to wait with patience

\* The journal of the Hartford Convention was put into the hands of the writer of this history, then secretary of the commonwealth, by the president, who made the declaration and certificate, as a man of honor, that it contained all the resolutions passed, and all the motions formally made in the convention; and the declaration of George Cabot did not need an oath to give it full credence.

for a remedy from the national government. It is a remarkable fact, too, that soon after the convention at Hartford, and before the news of peace reached the country, an act was passed by congress, providing for the defence of the several states, at the expense of the federal government.

The act authorized the president to receive into the service of the United States any corps, raised, organized, and officered by a state, and to employ them in the state where they were raised, or an adjoining state, and not elsewhere, except by consent of the executive of the state; but while in service to be subject to the common rules of war.

In the dispute which arose between the governor of Massachusetts and the executive of the United States, respecting the services of the militia and the constitutional power to direct and control them, was involved the doctrine of state rights, which has been matter of controversy ever since the existence of the federal government. The constitution gives congress the power to call out the militia for three purposes, one of which is "to repel invasion." In 1812, congress provided by law, in terms, for calling out the militia by the president of the United States "to repel invasion." The very day war was declared, an officer of the United States being previously directed by the president, made a requisition for a large number of the militia of Massachusetts, simply because war had been declared; not stating, for indeed he could not with truth, that there was an invasion, or immediate danger thereof. The governor did not comply with the requisition. Another call was soon after made; but there was no pretence of an immediate invasion; on the contrary, the few regular troops of the United States were ordered to the borders of Canada, for offensive operations. And, that the whole sea-coast, including the forts of the United States, might not be left wholly destitute, which would have shown, in a most glaring manner, the improvidence of the national rulers, the militia were called for, to be placed at certain stations, to supply the place of regular forces, and to wait, probably for many months, for the approach of an enemy.

Governor Strong chose to construe the constitution very strictly, and to judge of the rightful power of the president and his officers by the provisions of that instrument. He did this, not wantonly, nor from caprice, nor party feelings; for he was superior to such considerations; but from a regard to the rights of the state and the militia of the state over which he presided. He knew there was no invasion, and no immediate danger of invasion; and he was not disposed to encroach on

the rights of the militia, which he was bound to protect, to comply with a request of the executive of the United States, calling for the militia, when, in his opinion, the case did not exist which would justify the requisition. He argued, that he was not blindly to obey any and every requisition of the president ; but only such as the constitution gave him a right to make ; requests made without clear constitutional ground, he contended he had a perfect right to disregard ; and that it was his duty to do so, where the rights of the people, committed to his care, would be violated by his compliance.

The views of Governor Strong, touching the right and the power of a state, when they come in collision with the authority of the federal government, will in a great measure appear, from the reference already made to his public speeches and addresses ; but his opinion, on the subject, was further expressed in his speech to the general court in January, 1815, in which he said,—“ We have heard it observed, that the state legislatures have no right to express their opinions concerning the measures of the federal government. But this doctrine is repugnant to the first principles of liberty ; and the remark could not have been made by any one who had well considered the organization of our government, or the arguments used by the advocates of the federal constitution, when that system was adopted. The government of the United States is founded on the state governments, and must be supported by them. The legislatures of the several states either elect the members of the executive and legislative branches of the general government, or prescribe the manner of their election. It would be strange indeed, if they were denied a right, which the meanest citizen of every state enjoys. In the arrangement of the different powers, the state governments are, to many purposes, interposed between the government of the United States and the people. If the latter think they are oppressed, they will complain to their immediate representatives ; and the remonstrance of a state legislature on their behalf will not often be slighted by a wise and just administration.

“ The powers of the federal government are limited by the constitution, which points out the extent of those powers, and the manner in which they are to be exercised. But the constitution will be of little value unless it is religiously observed. If at any time the national administration should disregard its authority, either by violating its express provisions, or by the assumption of powers not delegated to it, its commands would be unjust, and it would be chargeable with a dangerous abuse

of confidence. The state legislatures are the guardians, not only of individuals, but of the *sovereignty of their respective states*; and while they are bound to support the general government in the exercise of its constitutional powers, *it is their duty to protect the rights of the states* and of their constituents; and to guard the constitution itself, as well against silent and slow attacks, as against more open and daring violations. The security thus afforded to the people would be lost, if the state legislature were implicitly devoted to the views of the national government, or were deprived of their right to inquire into its measures."

On this highly important subject, which was differently viewed by individuals and parties during the war of 1812, the sentiments of Christopher Gore, then a senator in congress from Massachusetts, and who had also been governor in 1809, were fully expressed in the following paragraphs. They are taken from a speech delivered in the federal senate in January, 1815.

"A question has sometimes been suggested, whether the government of a state has a right to judge, if the requisition for the militia be within the provisions of the constitution. A little reflection on the nature of the government of the United States and of a state, and of the relation in which the supreme executive of the latter stands to the United States and to the citizens of his particular state, will show that he is obliged to examine, whether the case for which the requisition is made be within the provisions of the constitution; and if the purposes, for which it is declared, are clearly not within the powers delegated by that instrument, to withhold a compliance. The federal government can exercise no powers not granted by the constitution; but so far as it can support such as it claims on this charter it is sovereign, and has no other control than its own discretion. The government of each state *is equally sovereign* with respect to every power of an independent state, which it has not delegated to the general government, or which is not prohibited to the several states by the constitution. It is the duty of the government of each state to preserve unimpaired every right and authority retained by the state. Whether the militia, (the peculiar force of the several states, and that which is to protect and defend every right and power they possess,) is called forth by the federal government agreeably to the provisions which the states made, in delegating power to this government, must be a question between *two sovereign and independent governments*; and on which there is no tribunal authorized to judge between them. And if the governors, who

are the commanders-in-chief of the militia of the several states, should surrender this force to the general government, in a case not authorized by the constitution, they would betray the trust confided to them by the people of their respective states. They must, therefore, examine the case, when called upon, and decide according as their duty, prescribed by the constitution of the United States, and that of their particular state, shall demand.

"The militia is a force which belongs exclusively to the several states; and is so recognised by the constitution of the United States. The federal government is one of limited authority, and has no other powers than those granted by the constitution. A power to call out the militia, to provide for the common defence, or to *protect* against invasion, is nowhere granted to the general government, in express terms. All the authority of the United States over the militia is, to call them forth to *repel invasion*, to execute the laws and to suppress insurrection. The United States, however, are bound to provide for the common defence. To repel invasion is included in this duty; and as invasion may be sudden, even in the time of peace, and before the general government can bring its forces to meet an unexpected attack, the militia of the several states are granted to that government, from the necessity of the case, that they may provide for the common defence, in such a *particular situation*." \*

The intelligence of peace with England, which was received in February, gave great joy to both political parties, and to all classes of people. It went far to allay the bitter disputes, which prevailed in consequence of the war, and of the policy which led to it. The friends of the national administration rejoiced at the return of peace; for it relieved them from a critical situation and the heavy burdens of war, and yet the objects had not been obtained for which the war had been ostensibly declared,† and which, it had been said, more in a spirit of boasting, than of

\* Mr. Gore quotes Mr. Madison, as saying, "that the powers of the federal government are no further valid, than they are plainly authorized by the constitution; and that, in case of the exercise of other powers not granted by that compact, the states have a right and are in duty bound to interfere; nor can it be granted, that a power to act on a case *when it shall occur*, includes a power over all the means that may tend to *prevent* the occurrence of the case."

† Mr. King, of New York, said, in the senate of the United States, when the treaty of Ghent was under discussion, "that, though it was preferable to a continuance of the war, it was less favorable than that made by Pinckney and Monroe, in 1808, which President Jefferson rejected, without even submitting to the senate."

wisdom, must be secured, before ever it would be terminated. But the state of Europe, as well as of the United States, made it the policy of the federal administration to solicit peace: and instructions were sent to the American envoys to negotiate on terms very different from those previously given as indispensable. The French emperor, the great enemy of England, had been unsuccessful; and the latter nation would be able to send far more formidable fleets against the United States. The public debt had increased, within three years, in the sum of \$150,000,000, and the revenue having greatly diminished, on account of a very restricted commerce, the national credit was in a suffering condition. The people generally had called loudly for peace. And in a free and popular government, the rulers must be unwise, (unless fully convinced of the necessity of their policy for the welfare of the nation,) long to remain in opposition to public opinion. To the great majority of a nation, peace must always be preferred to war, unless the terms are very humiliating and inglorious, and clearly involve a relinquishment of the rights and interests of the people.

However inexpedient or unwise the war might have been, the American character for patriotism and bravery lost nothing by this calamitous event. The land and naval forces of the United States gained great credit for their courage and heroism. In the battles on land, the officers could not, indeed, in all instances, boast of success; but, in most of the engagements with the enemy, they displayed great personal bravery. And the naval commanders gathered laurels in every clime. They often encountered ships of the enemy larger than their own; and were almost always victorious. The British never before met so resolute and brave a foe on the ocean. The courage and prowess exhibited by the American navy, in the war of 1812, and in the revolutionary contest, have given it such a high character, that foreign nations will probably be cautious in attacking the United States. Much credit was also due to the militia of Massachusetts, who readily prepared to act for the defence of the state; and marched with alacrity, whenever ordered, to places exposed to the assaults of the enemy. In the course of the war, the whole number called out, in Massachusetts, was estimated to be forty-five thousand: but most of them were in actual service only a few days or weeks; and far the greater part of them were employed in July, August, September, and October, of 1814. The expense incurred by the commonwealth, for the protection of its citizens against the enemy, in the pay of the militia, and in military stores, amounted to more than \$800,000.

When the news arrived, that the negotiations with Great Britain had issued in amity, the general court was assembled in the capital; and the members of both houses joined in celebrating the joyful event, by a procession, in which the citizens of all grades and classes united; and by attending religious service, in which the chaplains of the legislature were requested to give thanks to Almighty God, for the restoration of so great a national blessing.

During the war of 1812-14, uncommon attention was given to the manufacture of woollen and cotton cloths in Massachusetts. The manufacture was much increased, in 1812. At the session of the legislature, in January, 1815, twenty-four companies were incorporated for these purposes; the greater part being for the manufacture of cotton cloths. The long period of non-importation and war, had the effect to raise such goods to a very high price: and many enterprising citizens vested their capital in these establishments. The result was unfortunate to them, as the early return of peace filled the country with similar products, and at a lower rate than they could be afforded from the infant factories in the United States. In July, 1816, the federal government afforded encouragement to these manufactures, by a heavy duty on such products as were imported from other countries. But another reason for imposing high duties, at this time, was the great debt of the nation, which the war had created, and which it was important to lessen by all just and practicable means.

Governor Strong was re-elected in 1815, though he expressed a wish to retire from public office. He was nearly seventy years of age; and he had never earnestly coveted political life. But he was a sincere patriot; and therefore ready, at the call of the people, to render service to the commonwealth in all critical periods. The solicitation of many highly respectable citizens prevailed with him to be a candidate for the chair once more, and he was chosen by a great majority of votes. His prudence and firmness, during the war, had increased the respect and attachment of the people for him, as their chief magistrate. Most of those opposed to his political opinions and measures, readily declared their respect for the character of the man. He was censured chiefly for withholding the militia, when they were called for by the executive of the United States. But there could be no doubt, that his course was the result of mature reflection, and agreeable to his views of the provisions and articles of the constitution. He appeared fully disposed to employ the militia for the defence and protection of the state; but he felt himself bound to

employ them in such way and under such circumstances only as he was authorized and required by the constitution, which was his guide. In his public speech to the general court, in June, 1815, Governor Strong referred to his course during the war, and said, "he believed the experience and reflection of future times would confirm the correctness of the construction which the government of Massachusetts had put on the constitution, in regard to the militia." \* \* "The members of the general government in 1812 and 1814, he presumed would have adopted the same construction, at any period during the administration of Washington and Adams." The senate and house of representatives, in their answers to the governor's speech, expressed their entire confidence in the correctness of the views he had given, and declared their opinion of the wisdom and patriotism of his conduct as the executive of the commonwealth, during the alarming and critical period of war.

In his address to the legislature, in January, 1816, the governor referred to the numerous manufactories, then recently established in the state; and suggested the propriety of the legislature making legal provision, that the youth employed in them should be duly instructed, before entering, or while members of them. He also spoke of the ease with which laws were multiplied, and observed, that the people were in danger of treating the ancient forms and usages of the state with too little respect. "While we encourage a spirit of genuine improvement, let us do justice," said he, "to the usages which we and our fathers have approved, and guard against a spirit of unceasing innovation. Let us cherish those principles of government and those systems of education, which have been derived to us from our ancestors; and especially, the institutions, which have a tendency to preserve in the minds of the people that reverence for the Deity, without which neither public nor private virtue can subsist, nor the welfare of a community be secured."



## CHAPTER XXXVII.

Governor Brooks—His character, and political opinions—Extracts from his public speeches—Candid and magnanimous—Recommends the interests of Education and Religion; and a veneration for the Republican Institutions of the Commonwealth—State Prison—Separation of Maine—Revision of the Constitution—Society of Cincinnati—Claim of the State on the United States.

GOVERNOR STRONG positively declined being a candidate for the chair, in 1816, and was succeeded by General Brooks. He was the first governor, after the revolution, who had not been educated in the University, except Mr. Sullivan. But the education and long practice of Mr. Sullivan in the law, rendered him well qualified to be the chief magistrate. And General Brooks, also, by an able administration of the government for seven years, proved his entire fitness for that high station. His early education, was such as the public grammar schools in Massachusetts afforded; and he studied medicine with a gentleman distinguished as a scholar and a physician. He engaged in the cause of liberty and his country early in 1775. The rank he held in June of that year, was that of major: and he accompanied Colonel Prescott to the heights of Charlestown, on the night of the 16th. The next year, he received a commission as lieutenant colonel; and afterwards commanded a regiment in the Massachusetts line; and he continued in military service till the peace. He was also major general of the militia, and member of the legislature, and of the executive council several years. In the war of 1812, Governor Strong appointed him adjutant general, and placed great confidence in his patriotism and judgment. As a military officer, General Brooks was intelligent, discreet, and brave; and as chief magistrate, he was distinguished for his impartiality, candor, and firmness. His public speeches discovered correct and profound views on political subjects, a thorough knowledge of the principles of civil liberty, and of the theory of the federal

government. He was not quick in making up his judgment ; but he usually decided correctly, and was very firm in adhering to his opinions thus maturely formed. In his appointments to office, and in his treatment of political opponents, he was truly candid and magnanimous. In his deportment, he exhibited the manners of an accomplished military gentleman. But this was his smallest praise. He possessed honorable feelings, and a sense of moral obligation surpassed by no one.

His views were alike republican and practical. He adopted no wild theory of human perfectibility ; nor pleaded that human freedom would be sufficiently restrained for the purposes of social welfare, by mere public opinion. Though an ardent friend of civil liberty, he was not therefore the enemy of law. Indeed, he never dreamed that liberty and law were antagonist principles. It would be most unjust to charge him with favoring the doctrine of legitimacy ; or, to use a more modern phrase, the *conservative* system. And yet he was as decided a supporter of law and order, as Washington or Strong.

He was a true and faithful representative of New England opinion and manners ; and warmly attached to the literary, religious, and political institutions of his native state. The following paragraphs from his public speeches to the general court, while he was chief magistrate, will best illustrate the political and republican character of this excellent man ; and, though the sentiments have not the claim of originality, they are sufficiently important to be preserved, for the recollection of the free citizens of Massachusetts.

“ The institution of civil government is essential to human happiness : without it, existence would cease to be a blessing. But as we can discern no ground, in nature, for the assumption of a right in one individual to control the actions of another, we conclude that all men are originally equal ; and therefore that legitimate government must be derived from the will of the people. How little other governments of the world may correspond with these positions, we have the satisfaction to reflect, that Massachusetts and her sister states, separately and conjointly, have realized, and are now enjoying the right of self government.

“ The people of this state have been favored by Providence with an opportunity for framing for themselves a constitution of government on the broad basis of equal rights : and we should rejoice in the reflection, that the great questions involved in forming a system of fundamental rules and maxims, which may last for an indefinite period, were discussed with a degree of intelligence, and a spirit of candor and mutual concession,

which mark an age of wisdom and virtue. Power was imparted to public agents, with great caution ; and, in every practicable instance, limited with precision. Enough, however, was conceded in favor of delegated authority, to ensure tranquillity and a due execution of the laws. *It is obviously, one of the leading objects of the constitution to counteract the tendency of office to accumulate power, and so guard against the abuse of delegated trust. Principles are immutable ; and our system is so framed, as to leave as little as possible to construction.*

"It is foreign to my intention, as it would be to the occasion, to attempt an analysis of the constitution : but such provisions of that instrument as are vitally important to the public happiness, cannot be too frequently brought into view and impressed on the public mind. A sense of the value of first principles ought to be sacredly cherished. *Avarice and ambition wage external war with equal rights and civil liberty.* This was the doctrine of our fathers, and is founded in the nature of man. It is the doctrine of the constitution, illustrated and confirmed by the unequivocal testimony of experience. *Virtue is the great conservative of republics ;* and, coincident with other profound views, developed in the constitution and as auxiliary to their attainment, that instrument assigns an elevated rank to moral and religious principles. The happiness of the people, the good order and preservation of civil government are declared essentially to depend on piety, religion, and morality ; and wisdom and knowledge, as well as virtue, are considered necessary for the preservation of the rights and liberties of the people.

"The constitution of the United States is without precedent and without parallel. In its composition and form, it partakes of the federative character : but from the extent of its fiscal, executive, and other powers, possesses the essential attributes of an integral government. The confederation was a government of courtesy. The national interests demanded one of efficiency. The just mean between a *too limited*, and an *indefinite* grant of power, was assiduously sought ; and the result submitted to the test of experience. The national compact, like the constitutions of the individual states, is an emanation from the same pure and legitimate source : and the spirit of freedom, which pervades and animates the state constitutions, is manifested in the national pact ; and all powers, not expressly delegated, are declared to be retained by the people, or the states.

"This express reservation of rights, besides being a condition, *without which the constitution would not have been adopt-*

ed, forms a check on the powers vested in the general government. The sovereignty of each state, though reduced from its original amplitude, has been viewed, by the most illustrious statesmen of our country, as forming a safe and effectual counterpoise to that mass of power given by the constitution of the United States, and which is necessary for the general welfare. Whatever apprehensions may have been entertained, at any former period, of the operations of the national government, the people of this commonwealth have but one sentiment, as to its continuance. *Massachusetts will be among the last to impair the union of the states, as she would be the last, silently to ABANDON HER OWN JUST RIGHTS.*

“Without extending our views to the general history of mankind or of governments, the annals of our own country, the migration and settlement, the political and religious principles, and the literary institutions of our fathers—the rise, progress, and termination of the momentous question between Great Britain and her colonies, (now the United States of America,) as to the right of parliamentary taxation—the origin, structure, and establishment of our system of jurisprudence ; open various and prolific sources of instruction to the legislator, and of proud satisfaction to the American patriot.

“Annual elections and frequent meetings of the legislature, being designed to perpetuate the principles of a free government in their purity and vigor, and to promote in the highest possible degree, the general welfare of the state, it seems highly important, and auxiliary to these ends, that the attention of the general court be frequently directed to inquiries into the competency of the laws for securing to the people their political and elective rights ; and whether they obtain, what the constitution assures them, “right and justice, without purchase, without denial, and without delay.”

“Massachusetts has always been respectable among her sister states. And while she retains the spirit and is governed by the principles of her political, religious, and moral institutions, while her schools and seminaries of learning are supported, while science and the useful arts are cultivated, her love of justice and habits of industry and economy are maintained, she will continue to command the respectful consideration of the civilized world.

“The commonwealth, to the mild and beneficent influence of whose constitution and laws we are indebted for our civil privileges, the secure enjoyment of the rights of conscience, and whatever is dear to us in domestic life, *claims our first fealty and homage.* And I may add, that the people in the several

states will most effectually perpetuate the system of national government, *by preserving the solidity and strength, and by maintaining the erect attitude of the pillars, on which the vast superstructure is erected.*

"Hitherto, conformably to the genius and maxims of free governments, all the departments of industry have been equally protected by the laws. The destination of labor and capital has been controlled by the option of individuals: and in this freedom of choice, our liberty greatly consists."

These opinions and declarations, officially made to the assembled representatives of the people, were the result of mature reflection, and of many years study of the nature of our free and happy government. They are true expressions of the enlightened patriot, and of the disinterested friend of republican liberty. The wish and object of his heart were the preservation of civil *liberty*, supported by just and constitutional *law*. It was not in character for Governor Brooks to make public speeches merely for display, or to gain popularity. His was the rare patriotism, which prefers the public welfare to popular favor. He relinquished an honorable profession, and entered into the service of his country from the purest motives. After a faithful and resolute discharge of his duty, as an officer of the revolutionary army during the whole war, he took a very decided and active part in preserving order and subordination among the troops, in 1783, on the restoration of peace. When insidious attempts were made to persuade the troops, with arms in their hands, to assume the attitude of menace, and to insist on payment from congress, when it was wholly out of their power; a committee of the officers, who had a meeting on this most alarming occasion, and who, (to the great honor of the individuals chosen,) were General Knox, Colonel Brooks, and Captain Hayward, all of Massachusetts, reported resolutions, which were unanimously adopted; and were as follows:\*

"That, at the commencement of the present war, the officers of the American army, engaged in the service of their country, from the purest love and attachment to the rights and liberties of human nature, (which motives still exist in the highest degree) and that no circumstances of distress or danger shall induce a conduct which may tend to sully the reputation and glory they have acquired, at the price of their blood, and eight years' faithful services: That the army have an unshaken con-

\* General Gates was chairman of this meeting of officers of the continental army; and the meeting, when the committee was elected, was addressed by General Washington, the commander-in-chief.

fidence in the justice of congress and their country; and are fully convinced that the representatives of the American people will not disband nor disperse the army, until their accounts are liquidated, and adequate funds established for their payment: That the commander-in-chief be requested to write to the president of congress, earnestly entreating the speedy decision of that honorable body on the subject of our late address, which was forwarded by a committee of the army: In the alternative of peace or war, this event would be highly satisfactory, and would produce immediate tranquillity in the minds of the army, and prevent any further machinations of designing men to sow discord between the civil and military powers of the country: And that the officers of the American army view with abhorrence and reject with disdain, the infamous propositions contained in a late anonymous address to the officers of the army, and resent with indignation the secret attempts of some unknown persons to collect the officers together, and in a manner totally subversive of all discipline and good order." \*

Governor Brooks took a deep interest in the penitentiary at Charlestown, which was established at the expense and by the direction of the state, at the time of some changes in the criminal code. When first established, and for several subsequent years, the system was very defective, and did not answer

\* Certain individuals were suspected of a plan so to excite the feelings of the army, as to induce them to remain together till congress should provide payment, in part, for their wages, and adopt effectual measures to answer all their claims within a definite period. Anonymous letters were circulated, addressed chiefly to the passions of the soldiers; and except for the prompt efforts of General Washington and some other officers, the most disastrous effects might have followed.

Who were the authors of these inflammatory letters was never known; and the hope was cherished that no one belonging to Massachusetts, suggested or favored a measure so ominous to the liberties of America.†

† Colonel Brooks was an original member of the society of Cincinnati; and after the death of General Lincoln, was president of the State Society in Massachusetts. The design of the society, it is stated in their proceedings, adopted in May, 1783, was "to perpetuate the remembrance of the LIBERTY and INDEPENDENCE of the United States, and the friendships formed under the pressure of common danger—to inculcate to the *latest ages* the duty of laying down in peace, arms assumed for public defence"—and the following principles, it was declared, should be immutable and the basis of the society:—"An incessant attention to preserve inviolate those exalted rights and liberties of human nature, for which they fought and bled; and without which the high rank of a rational being is a curse rather than a blessing: and an unalterable determination to promote and cherish, between the respective states, that union and national honor, so essentially necessary to their happiness, and the future dignity of the American empire."

the expectations of the public. The great defect was found in the want of cells, sufficient to realize solitary confinement during the night. Sometimes the number of convicts in the prison was so great that six and even eight persons were lodged in one room; where the younger and the least criminal were liable to be corrupted by the more depraved, and where plans of mischief and of rebellion might be proposed. The governor saw both the defect and the remedy; and he repeatedly urged the legislature to provide another building, with such a number of additional cells and rooms, that there might be entire solitary confinement, except when the convicts were at work and under the inspection of an armed guard. The general court could not be persuaded to comply with the advice of the governor, on account of the great expense which would attend the erection of the building proposed. Some of the members of the legislature, and many other citizens were also in doubt of the benefit of the system in every form; and were therefore disposed to abandon it altogether. But Governor Brooks expressed his belief, that if the plan of solitary confinement by night could be carried into effect, the system would be proved to be useful, by preventing the bad from depredating on society, and at the same time affording an opportunity and the means of reformation. In this opinion, the chief executive officer of the state prison, after several years of experience, fully agreed with the governor; and even urged the plan of solitary confinement, as the only one to authorize a hope of the utility of the institution. The debt of the commonwealth was great at that time; which operated as one objection to an additional building, as recommended by Governor Brooks; but his advice and opinion, so often given, had an influence, no doubt, with his successors in urging the measure, till it was finally adopted.

Governor Brooks was a firm supporter of law; but his benevolence led him to favor all reasonable plans for the reformation and improvement of mankind. He corresponded with some distinguished philanthropists in Europe, as well as in the United States, on the subject of penitentiaries; and he became satisfied, that, with solitary confinement for the night, such institutions would be preferable to former modes of punishment. The consideration of the expense of a new building, therefore, had little influence with him. And but for his decided and repeated recommendations, the additional buildings, probably, would not have been provided, and the system would have been abandoned in Massachusetts.

While Governor Brooks was in the chair, petitions from many of the people of Maine were presented to the general

court, for a separation of that part of the state. When the subject was first submitted to the people of that district, in 1817, there was not a majority in favor of a separation. But on a second application, in 1819, and the majority expressing an opinion for forming a separate and independent state, the consent of Massachusetts was given; and terms were stipulated for dividing the common and wild lands in that district. One half of those lands were to remain the property of Massachusetts; at the same time it was agreed, that Maine should be entitled to one third of the sums received from congress as a reimbursement of the expenses of the militia of the state, during the war of 1812. The population of Maine, when it was formed into a separate state, was about two hundred and thirty thousand, and that of Massachusetts four hundred thousand.

In 1820, forty years from the adoption of the state constitution, a convention was held in the metropolis, by delegates from all the towns in the commonwealth, to consider what alterations were required in that instrument. The constitution, as first adopted, provided, that alterations might be made in fifteen years. In 1795, the majority of the people expressed an opinion, that it was inexpedient to call a convention at that time; as they were not sensible of any important alteration necessary to be made in the constitution. After the separation of Maine, it was deemed expedient to have a revision of it; but other considerations had an influence in favor of the measure. There were several changes projected by different individuals in the commonwealth: the most important was provision for a much less number of representatives than was allowed by the constitution. But no alteration in this respect was made by the convention. There probably was a majority in the convention for lessening the number; but no plan was suggested which received the approbation of the convention. It was also proposed to dispense with the office of lieutenant governor, or of the counsellors; but neither were these propositions approved. Another plan was to have the senate based on population, as the house was, and not on property, as by the original constitution. This project was also rejected by the convention.

The most important alteration of the constitution adopted by the convention, was a clause respecting the qualifications of voters for public officers in the state. This was considered more republican or democratic, as it permitted some description of persons to vote who before had not that privilege.\*

\* The constitution now allows every male citizen of the age of twenty-



Manufacturing establishments within the state greatly increased, during the administration of Governor Brooks. The war of 1812 had been the occasion of establishing several large cotton factories, and of some manufactories of woollens, more extensive than had been previously erected. After the war, as many individuals of property considered these establishments favorable for lucrative investments, they were continued and enlarged. The policy of these establishments was approved generally, as favorable to the whole country. Governor Brooks was friendly to manufactures; but doubted the policy of protecting, or of favoring them to the extent which some portion of the citizens proposed and urged. He perceived the difficulty of framing laws for the benefit of a few, or for the particular advantage of any one course of business, which would be approved by the residue of the community. He would encourage and protect domestic manufactures, for the prosperity and benefit of the whole country; not merely to render the pursuits of one portion of the people more profitable than they would be when left to the natural course of trade, or the demands of the community. He also had apprehensions of the moral and political evils which would flow from very large manufacturing establishments in the country. But the consideration of the care taken to educate children, in New England, served to limit his fears in this respect. While only children of an education, such as the public school affords, are received into these factories, there is just cause to believe that the corruption and profligacy will never be known, which render most of the large establishments in England nurseries of vice and pauperism.

A subject of particular interest which occupied the attention of Governor Brooks while he was chief magistrate, was the claim of the state on the general government, for a reimbursement of the expenses incurred by the commonwealth during the war of 1812-15. The sums expended by the state for the services of the militia, and other measures of defence, on that occasion, amounted to nearly a million of dollars. It was generally believed to furnish an equitable claim on the government of the United States, whose duty it was to afford protection; but which furnished neither troops nor money for the purpose, and left the state to its own resources for safety. The general

one years, to vote in the election of governor and representatives, after a residence in the state of one year, and of six months in the town where he lives, if he shall have paid a tax in the state within two years : without requiring any property or estate, as it did originally.

court requested the governor to present the claim to the consideration of congress, and to have an account of the expenses prepared to substantiate the claim. The account was duly prepared, and agents were appointed by the governor in 1817, to present it to the executive of the United States. Objections were made to its allowance by the administration, on the plea, that the services were not rendered in the manner and on the occasions, as requested by the military officers appointed by the president. It was not denied that the services were performed, nor that the state was protected when attacked or exposed, (except in the case of Castine;) nor that the expenses for the militia were extravagant or unreasonable. But it was contended by the administration, that as the militia were not called out by the governor and put under the control of a military officer of the United States army, as required, the commonwealth could have no just claim on the federal government, and must bear the burden of its own expenses.

The merits of the claim were, by the governor, made to rest on the consideration, already noticed; that the territory of the state was protected, when invaded or actually exposed, by the people, and at the expense of the commonwealth; that such service and measures of defence were regulated with due economy; and that the general government neglected to provide the necessary means of protection.

The discussion on the merits of the claim involved the important question of state rights, of the extent of the authority of the federal executive, and of the meaning of the constitution, as to the control of the militia in a time of war. The administration of the general government so construed the constitution relating to this subject, as to claim the entire direction and control of the militia of the several states, while the war continued; and that it was an unjustifiable and dangerous measure in the executive or legislature of a state to withhold them, when required. And as the government of Massachusetts had refused to place the militia at the disposal of officers of the United States army, its claim for expenses were rejected, when presented to the executive of the United States. But Governor Brooks, believing the claim to be equitable and just, and entrusted by the general court with the duty of urging its payment, employed agents to present it to the federal rulers. He was one of the executive counsel, or adjutant general of the state, during the war of 1812; and it was believed was of the same opinion with Governor Strong, in the measures adopted when the requisition was made for the militia. He contended

that the militia could be justly called for, only in case of invasion, or imminent danger of invasion : and that, when called into service for the defence of the state, they should be governed by their own officers, except that they might be directed by an officer of the continental army, and that within the limits of the state.

With these views, he made an arrangement with a federal officer for calling out the militia in 1814, and for placing them under his command. But a similar arrangement, proposed to be made with another officer of the United States, was not carried into effect, owing to new conditions required by that officer. The militia, however, were called into the service of the state, to defend the towns on the seaboard, in various places during the year 1814; and great expenses were thereby incurred by the commonwealth. The militia were called out, not to oppose or to embarrass the measures of the federal administration; but with an intent to maintain the rights of the citizens, and to defend the state when and where it was really exposed to the danger of an attack. Governor Brooks, therefore, made repeated attempts, while he was in the chair, to obtain a reimbursement for these expenses. And the last year he was chief magistrate, he caused a statement of the claim and of the circumstances under which the expenses were incurred, to be prepared by the secretary and adjutant general, which was laid before the president of the United States in 1822; and a further examination of the account was ordered. When it was suggested to Governor Brooks, that possibly an acknowledgment of error, on the part of Massachusetts, in withholding the militia, would have a favorable influence on the claim, he said, he believed the measures pursued, relating to the militia, were correct, and that he could not express the opinion proposed, for any considerations. All his efforts, therefore, for obtaining the amount expended and claimed by the state, were in vain; owing, in some measure, as was believed, to political prejudices, as well as to a different construction given to the constitution by the federal rulers. It was considered a singular course to leave it to the views or feelings of the administration, rather than to settle the principle for deciding on the merits of the claim, by a particular law of congress.

When Governor Brooks, after being seven years in the chair, announced his intention to retire from public life, it gave sincere regret to the people throughout the state. He had administered its concerns with perfect fidelity, and much ability; and the merit justly belongs to him, of softening the asperities of political parties, and breaking down the partition wall which had long separated them. His aid was most cheerfully given

in support of the ancient institutions of the commonwealth, civil, literary, and religious; and he had the satisfaction, in his latter years, to witness a period of public prosperity, of improvement, and of political liberty, in a good degree, equal to his former wishes and anticipations, when he engaged in the hazardous enterprise of defending his country with his sword.

## APPENDIX.

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*See page 15.* Speaking of the rise of the Plymouth planters, Governor Bradford says, "that several religious people near the borders of Lincolnshire, Yorkshire, and Nottinghamshire, finding the pious ministers urged with subscription, (to books of common prayer, ceremonies, &c.,) or silenced, and the people greatly vexed with the commissary courts, apparitors and pursuivants, which they bare sundry years with much patience, till they were led, by the continuance and increase of these troubles, and other means, to search and see further into these things through the light of God's word.—How that not only the ceremonies were unlawful, but also the lordly and tyrannical power of the prelates, who, contrary to the freedom of the gospel, would load the consciences of men; and, by their compulsive power, make a profane mixture of divine worship: that their offices, courts, and canons, were unlawful; being such as have no warrant in the Word of God, but the same which were used in *popery*, and still retained. Upon which these people shake off this yoke of anti-christian bondage, and, as the Lord's free people, join themselves by covenant into a church state, to walk in all his ways, made known, or *to be made known to them*, according to their best endeavors, whatever it might cost them."

The grounds of difference, between the puritans and the church of England, are generally well known. But it is best to let one speak in his own cause. The writer of this volume is in possession of an unpublished treatise by William Bradford, (many years governor of Plymouth colony,) on the reasons for opposing the church of Rome by the protestants; of the separation of the puritans from the episcopal church of England; and of the more strict conformity of independents or congregationalists to the directions of the New Testament than even the presbyterian churches. From that part of the manuscript, which refers to episcopacy, the following paragraphs are thought worthy of insertion in this place. The MSS. was written in 1652.

“ It will be needfull, before we speake to this poynte, that some thing be premised to prevent mistakes. And first, we acknowledg that Bishops, such as are mentioned in the Holy Scriptures, are of devine institution, and the ordinance of God. But Lord Bishops, invested with sole spiritual power and government, and exercising sole authority, power, and government over the churches, without their choyse or consent, is strang from the scriptures, no institution of Christ, but a humane devise and intrusion. 2d. Though this Lordly hierarchie, consisting of primates, metropolitans, archbishops, lordbishops, deans, archdeacons, with all their subordinats and inferior dependents, in regard of their places, callings, power, and jurisdiction, were unlawfull and strang from the scripture paterne, yet wee acknowledg that many of their persones were men of worth for vertue and learning, pietie and godlines; yea, some of them blessed martires, who gaive their bodyes to the fire, for the trueth of Christ. 4ly. For the maine, in charitie, wee beleeeve they saw not the evil in these things, but had their mindes more intente upon the puritie of doctrine, in the cheefe foundations of religion, and purging the same from popish leaven; especially *the first and most sincere reformers*. 5ly. Though they saw some thing amise, yet they could not do all things at once; the times would not bear it, they thought to gaine upon them by degrees, as the times would suffer: and so might have done, had men continued faithful; and pride and ambition had not hindered and blinded the eyes of sundrie. 6ly. The casting out of the Pope and his supremacie, and suppressing the worst part of the hierarchie, abbots, monks, and friars, those swarms of locusts, which did eat up and defile the land, and pulling down of strong foundations, and firme corporations, which they thought to be indissoluble—it did cause such an earthquake in the land, as did astonish the minds of men, and in that juncture of time made the world to wonder, and after times to admire the same: No marvel, therefore, though the greatness of that work did not give way to many other things, which were to be the worke of time.

“ We are, therefore, thankfully to acknowledg the great work of God, in the reformation made in our dear native land; in which the tyranie and power of the Pope was cast off, and the puritie of doctrine in the cheefe foundations of religion restored: and though she fell short, in some things, of other reformed churches, especially in government, yet not in the truth and power of godliness, but rather to excede these, in such as the Lord raised up and enlightened among them. But herein was the great defecte, that this lordly hierarchie was continued, after the pope was cut off, in the same callings and offices; and ruled (in a manner) by the same laws; and had the same power and jurisdiction over the whole nation, without any distinction; all being compelled, as members of this national

church, to submit to the forme of worship established, and this government set over them, far differing from the liberty of the gospell, and the practiss of other reformed churches, who admitted only such into the church, and to partake of the holy things, as manifested repentance, and made public confession of their faith, according to the scriptures; and had such a ministrie set over them as themselves liked and approved of.

“And of this Dr. Ridley bitterly complains, (who was sometime a bishop, and afterward a blessed martyr) ‘how that the greatest part, in King Edward’s days, both magistrats, bishops, lawyers, and people, of all sorts and degrees, were never persuaded (but from the teeth outward and to please the King) of the trueth of God’s word and the religion they received; but did dissemble. And pitifull and lamentable it was (saith he) to see the people so loathsomly and irreligiously to come to the holy communion and the service of God which they understood never a whit, nor could be edified any thing at all thereby.’ A very sad complainte, and shows us the true face of things in those times; by one who was able to discerne, and who was neither a Brownist, nor Separatist. He also judged it to be a chiefe cause of God’s judgment which followed in Queen Mary’s days.

“Beza also saith, ‘that the church is not to be taken for certain of the worshipfull clergymen alone, but for a whole assemblie or congregation of God’s people, without whose consent, neither excommunication nor election of ministers ought to be used.’ And he saith again, ‘it was not possible to have brought my Lord Bishop, Mr. Official, Mr. Vicar, their procurators, and the like, into the church of God, till they had driven Christ their master out. There is neither holy scripture, neither counsell, nor anciente doctors who ever knew such *monsters*. Concerning suffragans, officials and proctors in the courts of the church, and other such innumerable *vermin*, what can I say; for one shall as soone find the devell among the angels, as one word or mention of them in the scriptures, or in the anciente counsellors or doctors, Greek or Latin, to approve them. I say more, that it is as impossible to accord these estates with the true form of the church of Christ, as to accord light and darkness, truth and lies.’

“Through the ambition of Bishops, (saith Qualter,) it is come to pass, that the libertie of the church is trodden under foote, and the chosing of ministers dependeth on them. Now where the ambition of prelates hath disturbed and encroached on this libertie, and challenged to themselves a lordship over the inheritance or church of Christ, the congregations are molested with contentions, and there is no end of errors or of bitter debates.

“I think verilie, saith Mr Wheatonhall, that Qualter, in these words pointed especially to England; for no nation in

Christendome, that is called a reformed church, hath had or is like to have such endless contentions and continual errors; only the lordship and magnificent estate of Lord-Bishops; which no reformed church in all Europe hath retained but England.

“Danæus saith, they perfidiously deprive the church of her right, who thrust a pastor on a people without their knowledge or consent; for they doe the church the greatest injurie when they spoil her of her judgment and voyce-giving: who are, therefore, truly to be called sacrilegious, or church-robbers:” By all which it appears how that calling of ministers is not lawful, which is made by the authority, letters and judgment of the king alone, or queen, or patrons, or bishops, or archbishops, as is used in England; which I speak with greefe.

“Truly, (saith Calvin,) this is a foul example, that out of the court are sent bishops to possess churches; and it should be the world of a godly prince to abstain from such corruption; for it is a wicked spoiling of the church, when there is thrust on any people a bishop whom they have not desired, or at least with free voyce allowed. It is tyrannous for any one man to make or appointe ministers at his pleasure. But the most lawful way is, that they be chosen by common voyces, who are to take upon them any public function in the church.

“Francis Lambert saith, marvel not that I said there be many bishops in one city: for verilie, every city hath so many bishops as it hath true preachers. Again he saith, every parish or congregation ought to have their proper bishop, which should be chosen and confirmed by the people and commonaltie of the church of every place. And to do this, they have no need of letters, seals, tokens and such things, very much used clean contrary to the word of God. And so long they should be accounted for bishop as they preach purely the gospel of the kingdom of God. From which if they swerve and preach strang doctrine they ought to be deposed and put out by them by whom they were chosen, even of the commonaltie of the church aforementioned. And again he saith, all the cannons of the world cannot lawfully choose one bishop of the church of Christ; and that the church of God hath no ministers besides these, bishops and deacons.

“And Zuinglius saith, a church is taken for the severall congregations, which conveniently meete together in some one place, for the hearing of the word and receiving of the sacraments. The Greeks call these *parikias*. And of this manner of church Christ speaks, Mat. xviii; and the apostle to the Corinthians.

“Peter Martir saith, we confesse the government and ecclesiastical power are given to the whole church. He also saith, without the consent of the church no one can be excommunicated: this right belongs to the church, neither ought it to be taken away from it. He also affirmeth, that government is a



notable portion of the gospel, and not the least part of the christian religion: and that the gospel seemeth to be neglected by them who put away so excellent a part thereof.

“Chemnicius saith, that Paul and Barnabas did not thrust ministers on the church without their consent; and that the election of ministers, by the historie of the apostles and their example, appears clearly to belong to the whole church: and that this is the way of the apostlic, primitive and ancient church, concerning the lawful election and calling of ministers; which way hath place in those churches which are constituted according to the word of God.

“Junius saith, it is manifest that way of choosing and calling ministers is most approved by the holy scriptures which the apostles kept in the churches. And when the bishops did arrogate that power to themselves and deprive them of it, it was to the damage and shame of the churches; and that way he before showed was that the whole church did choose by equall and common voyces. But some will say, the people are ignorant of their duty and right herein. Let them be taught, then, and they will understand it. But they know not how to use it aright. They will never know it, if they do never use it. But they are factious often and divided into parties. Let them be reduced to peace by wholesome counsell; and let them be ruled by the authority of the word and the endeavours of good men, that their minds being well ordered they may do that which is their duty to do.

“I might add much more; for the whole current of all these excellent devines, and first lights and guides of the reformed churches, run in one stream in this way. But these must suffice: By which you may see from the scriptures how they shew what the church is; what power it hath, both in choosing and ordaining or confirming their own officers; and in deposing, if the case so require; as also to receive the worthy and to excommunicate the guilty when proper; and that it is not only an injurie for any to deprive of this their right and libertie; but that it was no less than sacriledge and tyrannous usurpation in the lordly hirarchie so to do.”

*See page 16.* The pastors of the church of puritans, gathered in Lincolnshire, &c., and which removed to Amsterdam, and thence to Leyden, before coming to America, were Clifton and Robinson. The former was much the oldest, and died at Amsterdam, before the church settled in Leyden. The opinions and advice of Robinson, to those of the church who settled Plymouth, in 1620, are worthy of everlasting remembrance. “When we parted with our beloved pastor,” says Governor Winslow, “he charged us, before God and his holy angels, to

follow him no further than he followed *Christ*: and that if God should reveal any thing to us by any other instrument of his, to be as ready to receive it, as ever we were to receive any truth by his ministry. For he was very confident *that the Lord had more truth and light yet to break forth from his holy word*. He took occasion also miserably to bewail the state of the reformed churches, who were come to a period in religion, and would go no further than the instruments of their reformation. As, for example, the Lutherans could not be drawn to go beyond what Luther saw; for whatever part of God's word He had further revealed to Calvin, they had rather die than embrace it: and so, also, said he, you see the Calvinists, they stick where he left them; a misery much to be lamented: for though they were precious and shining lights in their times, yet God had not revealed his whole will to them. And were they now alive, said he, they would be as ready to embrace further light as that they had received. Here also he put us in mind of our church covenant; whereby we engaged with God and one another, to receive whatever light or truth should be made known to us from His written word. But withal exhorted us to take heed what we receive for truth; and well to examine, compare and weigh it with other scriptures before we receive it. For, said he, it is not possible the christian world should come so lately out of such anti-christian darkness, and that full perfection of knowledge should brake forth at once."

As an apology for not adopting all the doctrines and forms required of him by the church of England, the celebrated John Cotton, (many years the faithful and able pastor of the church in Boston,) in a letter to his bishop, in 1633, just before he left Great Britain for Massachusetts, says, "your lordship well knoweth it to be a principle both of the prophets and apostles, and it holdeth in every religious man, *justus ex fide sua vivit, non aliena*. And, therefore, however I do highly prize and much prefer other men's judgment, learning, wisdom and piety, in things pertaining to God and his worship, *I must live and act according to my own faith, and not according to theirs*."

See page 18. The following is the whole of the instrument or compact framed and agreed to, on board the May Flower, in Cape Cod harbor, November 11th, 1620.

"In the name of God, Amen. We whose names are here underwritten, the loyal subjects of our dread sovereign Lord, King James, by the grace of God, of Great Britain, France and Ireland, King, defender of the faith, &c., having undertaken, for the glory of God, and the advancement of the christian faith, and the honor of our king and country, a voyage to plant the first colony in the northern parts of Virginia, do, by these PRE-

SENTS, solemnly and mutually, in the presence of God and of one another, covenant and combine ourselves together, in a civil body politic, for our own better ordering and preservation, and furtherance of the ends aforesaid; and by virtue hereof to enact, constitute and frame such just and equal laws, ordinances, acts, constitutions and offices, from time to time, as shall be thought most convenient for the general good of the colony; to which we promise all due submission and obedience. In witness whereof, we have hereto subscribed our names. Cape Cod, eleventh of November, in the year of the reign of our sovereign Lord, King James of England, France and Ireland, the eighteenth, and of Scotland the fifty-fourth, Anno Domini, 1620.

Signed:

John Carver.  
William Bradford.  
William Brewster.  
Edward Winslow.  
Miles Standish.  
Isaac Allerton.  
John Alden.  
Samuel Fuller.  
Stephen Hopkins.  
Richard Warren.  
John Howland. &c.

(Fac Simile of the signatures of)

William Bradford

William Brewster

Edw: Winslow

Myles Standish

We will here add extracts from the *General Fundamentals*, or Declaration of the warrantable grounds and proceedings of the first proceedings of the government of New Plymouth, 1636. (Published, but probably not printed.)

"We, the associates of the Colony of New Plymouth, coming hither as free-born subjects of the kingdom of England, endowed with all and singular the privileges belonging to such; being assembled, do enact, ordain, and constitute,—That no act, imposition, law or ordinance be made or imposed upon us, at present or to come, but such as shall be enacted by consent of the body of freemen, or associates, or their representatives legally assembled; which is according to the free liberties of

the free-born people of England. And for the well governing of this colony, it is also resolved and ordered, that there be a free election, annually, of governor, deputy governor, and assistants, by the vote of the freemen of the corporation. It is also enacted, that justice and right be equally and impartially administered to all; not sold, denied, nor causelessly deferred to any. That, as the great and known end of the first comers, in 1630, leaving their native country and all that was dear to them there, transporting of themselves over the vast ocean, into this remote, waste wilderness, and thereby willingly conflicting with dangers, losses, hardships and distresses, sore and not a few—was, that without offence they might, (under the protection of their native prince, together with the enlargement of his majesty's dominion,) *with the liberty of a good conscience, enjoy the pure scriptural worship of God, without the mixture of human inventions and impositions*; and that their children after them might walk in the holy ways of the Lord."

*See page 20.* Blaxton left Boston in 1634-5; and it is stated that he had then resided at Shaumut about ten years.

*See page 22.* This appears from Endicot's letter to Governor Bradford, and from the letters of Dr. Fuller, a deacon of the Plymouth church, who spent some time at Charlestown and Dorchester, in 1630, and had conversation, on the subject, with Rev. Mr. Warham and others. It is evident, also, from the fact of sending for the Plymouth church, to assist in the ordination of Rev. Mr. Higgonson and Skelton, at Salem, in 1629. And Governor Winthrop and Rev. Mr. Wilson, of Boston, visited Plymouth soon after they settled in Massachusetts, and held christian fellowship and communion with the Plymouth church.

*See page 26.* Chicatabut was chief of the Neponset tribe, at this time; and this appears to have been the principal tribe in the vicinity of Boston. The tribes at Saugust, Agawam and Muskatequid were small. The Neponset tribe continued friendly to the English; and when urged to join others against the whites, they refused, and gave information of their hostile designs.

*See page 27.* In this vessel, Roger Williams came into the colony; but it does not appear that it was by the particular request of any of the members of the Massachusetts company. This, perhaps, was the reason why he was always watched with jealousy, and viewed as one not sufficiently disposed to submit to the directions of the leading men of the settlement. But he did not throw off his subjection from the bishops and hierarchy of England, to give up his independence to any other body of men, however pious.

*See pages 32 and 33.* Sir Christopher Gardiner was some time in the country, in company with a female, much younger than himself, but to whom he was not legally married. They travelled and lodged among the Indians in various places; and often suffered in their peregrinations. His real object was not known; but he was an enemy to the puritans, and united with others in complaining of their conduct. He probably disliked their pure and strict morals, and their prompt punishment of all licentious and disorderly persons, within their jurisdiction.

*See page 35.* There is a mistake respecting Mr. Mitchel, which should be corrected. Jonathan Mitchel came from England at a very early age; and was educated at Harvard College. Mr. Shepard, mentioned on page 34, was pastor of the church of Cambridge, after the departure of Mr. Hooker and Mr. Stone. Mr. Mitchel succeeded Mr. Shepard.

*See page 38.* Sir Henry Vane favored the fanatical Mrs. Hutchinson and her religious party; and his honesty, in this respect, was doubted by a portion of the colony. Others attributed his favor or support of them to his more generous views of toleration of religious opinions. Rev. Mr. Cotton, of Boston, had great influence, at that period, both with the clergy and laity; and Vane was probably desirous of the influence of Mr. Cotton, or was willing to follow him in his religious views. And Mr. Cotton was too ready to justify, or excuse the extravagant opinions of Mrs. Hutchinson.

*See page 39.* The new and distant settlements were sometimes alarmed and attacked, after the Pequot war and before

the dispute with Philip; but these were local, and neither endangered the whole colony, nor called forth a formidable force, as was the case on the other occasions.

*See page 41.* The early accounts do not agree in representing the powers and privileges of this military company. It appears, however, to have been incorporated, when a request was made to the governor and assistants for the purpose; but with some provisions and restrictions, so as that it was subordinate to the government, as much as any of the other military companies in the colony. On the stated days, appointed for its trainings, other companies were forbidden to meet. It was composed of a higher class of citizens than the common militia companies; but all the exemptions and powers prayed for, were probably not granted; which was the occasion of the apparently contradictory accounts given. The officers chosen by the company, and the by-laws and regulations, were to be approved by the governor and council: which shows how cautious the leading men of Massachusetts were in granting power or exemptions to any individuals or company.

*Autographs of*

Jo: Winthrop

Jho: Dudley

Jo: Endecott

Rich: Bellingham

Jno: Leverett

*See page 42.* Several projects were contemplated in England, by the friends of arbitrary power and of the hierarchy, between 1634 and 1638, to abridge the liberties of the people and the authority of the colonial government. The jealousy of archbishop Laud, and other ecclesiastics, was alarmed by the opinions and conduct of the puritans. They often attempted to bring them into an entire submission to the episcopal authority, both in England and in Massachusetts.

*See page 44.* Mr. Dudley was quite a different character, in some respects, from Governor Winthrop. His education was less liberal, and his views and opinions, consequently, were less catholic and elevated. He was one of the most zealous of the magistrates, for the severe persecutions against all dissenters. But very few, indeed, among the puritans of that day were truly catholic in their sentiments, although professing to be protestants, and ready to suffer for the rights of conscience.

*See page 45.* The early statements, as to the number of vessels with passengers, from 1630 to 1642, differ. One account is 198, and another 298. The latter is probably an error of press or of a copyist.

*See page 47.* Settlements also began as early as 1643, at Andover, Rowley, and Haverhill.

*See page 61.* The funds of the college were small for several years; and the students so few, as that the tax for instruction amounted to a trifling sum. The two first presidents suffered very much. The following petition is given in proof of this. Chauncey succeeded Mr. Dunster, who, when he left the presidency, (on account of his doubts as to the propriety of infant baptism) said he had not property to enable him to remove.

To the honoured governour of the Massichsets, John Endicott, Esqr., with the residue of the honoured bench of assistants, and the honoured court of deputies. The humble petition of Charles Chauncey, President of Harvard Colledge, in Cambridge, as followeth: Whereas yr. petitioner hath continued with much toyle and many grivances and temptations, in the colledge about eight years, all which time, his family being great, the stipend allowed him by the honoured court hath bene

insufficient for his comfortable subsistence, and the maintenance of his family wth necessary supplyes of food and raiment; for want whereof he hath bene forced to expende his owne estate that he brought wth him; and is, besides, by this menes runne fare into debt. And in regard that the president hath no fit provision either of land to keepe one horse or cowe upon, or of habitation to be dry and warme in; also seeing that there are no colledges in one English universities, (wherein the petitioner hath continued long) but that the presidents thereof, besides their yearly stipend, are allowed their diet, with other necessary provisions, according to their wants, your petitioner, with all due observance, intreats the honored court not to take offence, if necessity constraining, no redresse being made of such intolerable grievances and temptations now suggested, he shall take his liberty, upon opportunityes presented to embrace them, though relinquishing his presidents place in the colledge.

He desires also that his petition may not be put by, as unreasonable, some other disappointments hindering before. So shall your petitioner be further engaged to pray for the peace of Jerusalem. Your Worships humbly devoted in the Lord,

CHARLES CHAUNCEY.

June 6, 1663. We conceive the countrie have done honorably toward the recompence and encouragement of the petitioner, both for annual allowance and grant of land. And that his *parrikie* with English colledges is not pertinent. And as for other things respecting his removal, that it properly belongs to the feofees of the colledge, and that it be referred to them.

RICHARD RUSSELL.

EDWARD JOHNSON.

JOSEPH HILLS.

The deputyes do not coneur with the committee in answer thereunto, but in regard of the present necessities of the petitioner doe judge meet that he be allowed five pounds a quarter out of the country treasury, to supply his wants, and this to be continued during the court's pleasure, with reference to the consent of the honorable magistrates thereto.

WILLIAM TORREY, Clericus

June 12, 1663. The magistrats consent not heereto.

EDWARD RAWSON, Secretary.

*See page 65.* We give an address from the general court, both to Oliver Cromwell, the protector, and to Charles II. on his restoration to the throne. They serve to illustrate the characters of the people in the colony, and to elucidate the history of the times. These papers are referred to, in the body of the history; the entire address may gratify some who shall peruse the volume.



Letter from Governor Endecot and Deputy Governor Bellingham to Oliver Cromwell, the lord protector of England—1655.

May it please your highness,—Amidst the throng of importunate suiters and oppressing multitude of occasions of concernment, to accept of our most humble, thankful acknowledgement of your continued favors to us poor exiles, in these utmost ends of the earth. We might account it no little disadvantage, whilst others have nearer access to your highness, and thereby opportunity to testify their zeal for your service, that we by our distance should be disenabled from giving any other demonstration than an anniversary acknowledgement of our obligation, were it not that your own goodness, under God, were the fountain whence all these streams of bounty have been derived to us, whereby we are encouraged to hope, as we have good cause to beseech, for the continuance thereof: the want whereof would be most prejudicial, if not destructive, to this colony, where the endeavors of some may be to misinform your highness, by presenting complaints against us; we having none to intercede for us, or truly to represent to your highness in our behalf. The consideration whereof, were not God our gracious father in the Lord Jesus, would overwhelm us, did not the assurance of your highness' clemency, patience and singular affection support us—but that we may not seem to be wanting in the defence of our own innocence, nor presume too far upon your highness' indulgence, we have desired our loving and honored friend, Captain John Leverett, to give your highness a true account of all our actings; wherein your highness shall see cause to require satisfaction; not doubting but the clearing of our innocence will be most acceptable to your highness, being confident no impression to the contrary will be received before we have had opportunity to vindicate the same from any aspersions that may occasionally be cast upon us. We dare not presume to detain your highness from the care of more weighty affairs, the prosperous success which is the daily prayer of your highness most humble and devoted servants,

J. ENDECOT, Governor.

R. BELLINGHAM, D. Governor.

*See page 65.* Address of the general court to king Charles II. 1660.

To the high and mighty prince, Charles the second, by the grace of God king of Great Britain, France, and Ireland, defender of the faith, &c.

Most gracious and dread sovereign,—May it please your majesty, in the day wherein you happily say, you know you are king over your British Israel, to cast a favorable eye upon your

*Mephibosheth*, (though, by reason of lameness in respect of distance, not till now appearing in your presence,) we mean upon New England, kneeling with the rest of your subjects before your majesty, as her restored king. We forget not our ineptness as to these approaches: we at present own such impotence, as renders us unable to excuse our impotency of speaking to our Lord the King; yet contemplating such a king who also hath seen adversity, that he knoweth the hearts of exiles who himself hath been an exile, the aspect of majesty, extraordinarily influenced, animateth exanimated out-casts, yet, as we hope, out-casts for the truth, to make this address to their Prince, hoping to find grace in your sight. We present this script, the transcript of our loyal hearts, into your royal hands, wherein we crave leave to supplicate your majesty, for your gracious protection of us in the continuance both of our civil and religious liberties, according to the grantees known end in asking for the patent, conferred on this plantation by your royal father. This, this, viz: our liberty to walk in the faith of the gospel with all good conscience, according to the order of the gospel (to which the former in these ends of the earth is but subservient) was the cause of our transporting ourselves, with our little ones, and our substance, from that pleasant land over the Atlantic ocean into this vast wilderness; choosing rather the pure scripture worship, with a good conscience, in this remote wilderness among the heathen, than the pleasures of England, with submission to the impositions of the then so disposed and so far prevailing hierarchy; which we could not do without an evil conscience. Our witness is in heaven, that we left not our native land upon any dissatisfaction, as to the constitution of the civil state. Our lot, after the example of good old non-conformists, hath been only to act a passive part throughout these late vicissitudes and successive overturning of states. Our separation from our brethren in this desert hath been and is a sufficient bringing to mind the afflictions of Joseph. But providential exemption of us hereby from the late wars and temptations of either party, we account as a favor from God; the former clothes us with sackcloth, the latter with innocency.

Touching complaints put in against us, our humble request only is, that for the interim, while we were dumb by reason of our absence, your majesty would permit nothing to make an impression on your royal heart against us, till we have both opportunity and leave to answer for ourselves. Few but will be innocent, said an impleader, if it be enough to deny: few will be innocent, said the emperor, if it be enough to accuse.

Concerning the Quakers, open and capital blasphemers, open seducers from the glorious Trinity, and from the Holy Scriptures as the sole of life, open enemies to the government as here established, malignant and assiduous promoters of doctrines tending directly to subvert both our church and state, after all

other means for a long time used in vain, we were at last constrained, for our own safety, to pass a sentence of banishment against them, on pain of death.—The Quakers died, not because of their other crimes how capital soever, but upon their superadded, presumptuous and incorrigible contempt of authority, breaking in upon us, notwithstanding their sentence of banishment made known to them. And, had they at last but promised to depart the jurisdiction, and not return, we should have been glad of such an opportunity to have said they should not die.

Let not the King hear men's words; your servants are true men, fearing God and the King; not given to change, zealous of government and order, and orthodox and peaceable in Israel. We are not seditious, as to the interest of Cesar, nor scismatics as to matters of religion; we distinguish between churches and their impurity; between a living man, though not without sickness or infirmity, and no man: irregularities in ourselves and others we wish to have amended; *we could not live without the public worship of God*, nor permitted the public worship only with such a yoke of subscription and conformity, we could not consent to without sin. That we might therefore enjoy divine worship without human mixtures, without offence to God, man, or our own consciences, with leave, but not without tears, we departed from our country, kindred, and fathers' houses into this *Patmos*; in relation whereto we do not say, that our garments are become old by reason of the long journey, but that ourselves, who came away in our strength, are by reason of long absence most of us become grey-headed, and some of us stooping for age. The omission of the aforementioned injunctions with the way of our churches as to the point of order, the congregational way, we desire our orthodox brethren to bear with us.

Sire, We lie not before your sacred majesty. The Lord God of Gods knoweth, and Israel shall know, if it were rebellion or schism that we wittingly left our dwellings in our own country for dwellings in this strange land, save us not this day.

Royal Sir, If according to this our humble petition, the God of the spirits of all flesh, the Father of mercy who comforteth the abject, shall make the permission of the bereavement of that all (for which we have and do suffer the loss of all precious, so precious in our sight) as that your royal heart shall be inclined to shew to us the kindness of the Lord in your Highness' protection of us in those liberties for which we hither came, which hitherto we have here enjoyed, upon Hezekiah's speaking comfortably to us, as sons, this orphan shall not continue fatherless, but grow up as a revived infant under a nursing father; these churches shall be comforted, a door of hope opened by so signal a pledge of the lengthening of their tranquillity; these poor naked Gentiles, not a few of whom, through grace, are come

and coming in, shall still see their wonted teachers among them, (with encouragement of a more plentiful increase of the churches of Christ,) and the blessing of the poor, afflicted people, (trusting in God,) shall come on the head of the King, who was sometime an exile, even as we are; with the religious stipulation of our prayers, we prostrate at your royal feet, beg pardon for this emboldness, craving finally that our names may be enrolled among your Majesty's most humble subjects and suppliants.

JOHN ENDECOT, *Governor*.

In the name and by the order of the General Court of Massachusetts.

NOTE. Supposed to be written by Rev. John Norton.

*John Leverett*, who was then agent for the colony in England, was instructed at the time the foregoing address was forwarded to king Charles, 1660, among other things, as follows, viz:

If the king or parliament should demand what those privileges are which we desire the continuance of, your answer may be, "All those which are granted us by our patent, and which we have heretofore enjoyed, both in church and commonwealth; without any other power exercised over us, or any other infringement of them, which would be destructive of the ends of our coming hither: as also that no appeal may be permitted from hence, in any case, civil or criminal; which would be such an intolerable and insupportable burthen, as the people of this poor place (and at such a distance) are not able to undergo; but would render authority and government vain and ineffectual, and bring us into contempt with all sorts of people. And if you find the king and parliament propitious to us, to use your utmost endeavors for renewing that ordinance which freed us from customs."

See page 74. The people of that part of Maine called *Yorkshire*, were in a state of great confusion, for want of a regular settled government; and some of the principal inhabitants made application to the general court of Massachusetts to extend its jurisdiction and authority over that territory, as it had formerly done. A declaration or order was accordingly issued, in 1668, requiring the people there to yield obedience to the laws of Massachusetts; and commissioners were also appointed to keep a court; viz. *John Leverett*, *Edward Tyng*, *Richard Walchor*, and *Robert Pike*.

*The Court's Order and Declaration for the Settlement and Government in Yorkshire.*

Whereas this colony of the Massachusetts, in observance of the trust to them committed by his majesty's royal charter, with

the full and free consent and submission of the inhabitants of the county of York, for sundry years did exercise government over the people of that county; and whereas about three years now past, some interruption hath been made to the peace of that place and order there established, by the imposition of some, who, pretending to serve his majesty's interest, with unjust aspersions and reflections upon this government, here established by his royal charter, have unwarrantably drawn the inhabitants of that county to submission unto officers that have no royal warranty, thereby infringing the liberty of our charter, and depriving the people now settled of their just privileges; the effect whereof doth now appear to be not only a disservice to his majesty, but also the reducing of a people, that were found under an orderly establishment, to a confused anarchy: the premises being duly considered, this court doth judge meet, as in duty they stand bound to God and his majesty, to declare their resolution again to exert their power of jurisdiction over the inhabitants of the said county of York; and do hereby accordingly, in his majesty's name, require all and every of the inhabitants there settled, to yield obedience to the laws of this colony, as they have been orderly published; and to all such officers as shall be there legally established, by authority of his majesty's royal charter, and the order of our commissioners, whom this court hath nominated and empowered to settle, all officers, necessary for the government of the people there, and to keep a court this present summer, the first Tuesday in July, at Yorktown, as hath been formerly accustomed. The said warrants to be directed unto Nathaniel Masterton, who is by this court appointed the marshal of that court as formerly, and by him, the said warrants are to be delivered to the several constables, to be accordingly executed. A due observance whereof, with an orderly return to be made to the court, to be held as aforesaid, is hereby required of all persons, respectively concerned, as they will answer the contrary at their peril.

By the court.      EDWARD RAWSON, *Secretary.*"

"To Major Gen. John Leverett, and Mr. Edward Ting; Capt. Waldron, and Capt. Robert Pike.

"You are hereby authorized and required to repair to York, in the county of Yorkshire, and there, you, or any two of you, whereof Major Gen. Leverett shall be one, to keep a county court, according as the law directs; and in case you meet with any person or persons, under the pretence of any other authority, that shall swerve from the due obedience they owe to this jurisdiction, under his majesty's royal charter, to which they have submitted and engaged themselves, that you call before you all such persons, and bring them to a due trial, and to proceed to sentence, as the merit of their offences shall require.

"Furthermore, you are authorized and commissioned to

establish and confirm all officers and commissioners, civil and military, as you shall judge meet, for the security and preserving of order and peace in the said courts of York. And for the better enabling you to effect the same, you are hereby authorized, from the date of these presents, to act and do all such things, preparatory to the keeping of courts and settling of peace in the said county, as in your discretions you shall judge meet. And all officers, civil and military, within this jurisdiction, and all other inhabitants, are hereby required to be assistant unto you, as the matter shall require; and you are to render an account of what you shall do herein, to this court, at the next session in October."

1668, the commissioners reported, that they repaired to York, as directed, where they were met by several justices of the peace, who showed their commissions, and certain orders from Colonel Nichols; and said there were but very few in the town disposed to submit to Massachusetts. That they made known their commission, at a public meeting, attended by delegates from five towns; (one being prevented by the justices acting under authority from Gorges) that these justices attempted to prevent the sitting of the court: and were thereupon ordered into the care of the marshal. That a court was then holden by them, and a grand jury duly empaneled: that they appointed constables, and settled the military officers and trainbands, &c. The proceedings of the commissioners were approved by the general court; and the jurisdiction of Massachusetts was fully confirmed in that part of the country.

*See page 86.* Note † needs correction: none of the members of the council there mentioned were from New Hampshire. Usher and Whartson, as well as Joseph Dudley, Wait, Winthrop, Peter Bulkley, and Edward Tyng, were of Massachusetts. Coggeshall, as well as Arnold, Clark, Smith and Newbury, was of Rhode Island: and Nathaniel Clark, of Plymouth, was also one of Andros' council in 1686-7.

*See page 116.* William Bollan was the agent in England from Massachusetts, for several years. Afterwards, in 1764, '65, &c., Mauduit, Jackson and De Berdit, were employed as agents of the general court: but Mr Bollan had the confidence of the patriots in Massachusetts, and was consulted as late as 1766. Dr Franklin was agent at a later period, 1774.

See pages 175, 176. The replies of the house of representatives and of the council to the speech of Governor Bernard, are deemed so important as to justify giving them in full.

*Answer of the House of Representatives, June 3, 1766.*

“May it please your excellency—The house of representatives of this province, beg leave to return to your excellency our congratulations upon the repeal of the stamp act; a most interesting and happy event, which has diffused a general joy among all his Majesty’s loyal and faithful subjects throughout this extensive continent.

“This is a repeated and striking instance of our most gracious sovereign’s paternal regard for the happiness and welfare of all his subjects. We feel upon this occasion, the deepest sense of loyalty and gratitude. We are abundantly convinced that our legal and constitutional rights and liberties will always be safe under his propitious government. We esteem the relation we have ever stood in with Great Britain, the mother country, our happiness and security. We have reason to confide in the British parliament, from this happy instance, that all his majesty’s faithful subjects, however remote, are the objects of their patronage and justice.

“When we reflect on the difficulties under which this important business labored, and the causes from whence they arose, we are truly astonished that they have been surmounted; and we gratefully receive the noble and generous efforts of those illustrious patriots who have distinguished themselves in our cause. Indeed, when we look back upon the many dangers from which our country hath, even from its first settlement, been delivered, and the policy and power of those, who have to this day sought its ruin, we are sensibly struck with an admiration of Divine goodness, and would religiously regard the arm which has so often shielded us.

“Upon so joyful an occasion, we were in hopes your excellency would have spread a veil over every disagreeable scene in the late times of public calamity; but to our surprise and astonishment, we find your excellency declaring in your speech, at the opening of the general court, that this cannot be done till a better temper and understanding shall prevail in general, than there seems to be at present. Though your excellency has seen reason to form so unfavorable an opinion of the present times, we beg leave, with all humility, to ask, whether so great a liberality as you have shown, in your strictures upon them, has a tendency to make them better?

“‘Private interests and resentments,’ ‘popular discontent,’ ‘unlimited abuse on the most respectable characters.’ These and such like expressions, run through a considerable part of your speech. We should have been glad if your excellency had given some intimation, at least, that you did not mean to

cast reflections on either of the two houses, to whom your speech was immediately addressed. We have reason to fear, that whatever were your intentions, this construction will be put upon it by those who would be glad to improve the authority of your excellency to our disadvantage. Upon this account, we find ourselves under a necessity, explicitly to declare to your excellency, that no private resentments of ours have intermixed with popular discontent. We have no interest detached from, or inconsistent with, the common good; we are far from having any 'ill purposes' to execute, much less under the 'borrowed mask of patriotic zeal,' or any other hypocritical disguise. It has ever been our pride to cultivate harmony and union, upon the principles of liberty and virtue, among the several branches of the legislature, and a due respect and reverence for his majesty's representative in the province. We have endeavored to solicit integrity and ability to the aid of the people, and are very sorry if gentlemen of character have, by any means, been deterred from serving their country, especially in time of danger, when the eyes of all might have been upon them for deliverance. At such a time, for true patriots to be silent is dangerous. Your excellency tells us of an unlimited abuse which has been cast upon the most respectable characters, of which you have had a little experience yourself; but you assure us that it has not abated your concern for the welfare of the country, nor prevented your endeavors to promote it. We thank your excellency; and upon this assurance we have reason to hope you have employed your influence in behalf of this people, at a time when they so much stood in need of it, in representing their behavior, in general, in the most candid and favorable view. In this light, his majesty, his ministry and parliament, have been desirous of viewing it, and when this good people shall find that your excellency has served them in so essential a point, they will, we are sure, be ready 'to recognise you in the united character of a true friend to the province, and a faithful servant of the crown.'

"But, may it please your excellency, we cannot forbear observing, that when you are speaking, as we conceive, of the injustice done his honor the lieutenant governor, the last year, your manner of expression would lead a stranger to think that so horrid an act of villany was perpetrated by the body of this people. The infatuation, you tell us, 'has been carried to such a degree of injustice, that the principal object of the fury of the people, was a gentleman to whom they were most highly indebted, for his services in the very cause for which they rose against him.' Your excellency, no doubt, means that the whole people, and not a part only, were most highly indebted to this gentleman for his services, and that the particular cause in which he had been engaged, concerned them all; and yet, so infatuated have the body of the people been, that they even rose against



this very gentleman, and made him the object of their fury! Is not this the natural meaning of your words? And will it not, sir, afford matter of triumph to the unrelenting enemies of this province, to hear the governor himself declaring that this was the 'prevailing temper of the people;' that such was their 'violent and precipitate measures,' and that a veil cannot, even now, be drawn over so 'disgraceful a scene,' because the same temper among the people in general still prevails. There may, sir, be a general popular discontent upon good grounds. The people may sometimes have just reason to complain; your excellency must be sensible, that in such a circumstance, evil-minded persons may take the advantage, and rise in tumult. This has been too common in the best regulated and best disposed cities in Europe. Under cover of the night a few villains may do much mischief. And such, sir, was the case here; but the virtue of the people themselves finally suppressed the mob; and we have reason to believe, that the unaffected concern which they discover at so tragical a scene, their united detestation of it, their spirited measures to prevent further disorders, and other circumstances well known to the honorable gentleman himself, have fully satisfied him, that such an imputation was without reason. But for many months past there has been an undisturbed tranquillity in general, in this province, and for the greater part of the time, merely from a sense of good order in the people, while they have been in a great measure deprived of the public tribunals, and the administration of justice, and so far thrown into a state of nature.\*

"We are at a loss to conceive your excellency's meaning, when you allude to some proceedings which, 'when known at home, you fear will afford matter of triumph to those who were for maintaining the stamp act, and sorrow and concern to those who procured its repeal;' and when you tell us that 'the inflammation of the country has been a grand object with some persons,' we cannot suppose your excellency would make a public declaration of a matter of such importance without good grounds. An attempt to inflame the country is a crime of very dark complexion. You tell us that a stop has not yet been put to that pursuit; we hope you have taken every prudent and legal step in your own department to prevent it. Permit us, however, to say, that it is possible you may have been misinformed by persons not well affected to this people, and who would be glad to have it thought that we were turbulent and factious, and perpetually murmuring, even after every cause of complaint is removed. Such characters may still exist in the persons of some who have taken all occasions from the just resentment of the people, to represent them as inflammatory, disaffected, and disloyal. Should there be any persons so aban-

\* The court had been suspended for some months.

done, as to make it the object of their policy, to inflame the minds of the people against a wise, a good, a 'mild and moderate administration,' they may be assured of the severest censures of this house as soon as they are known.

"But the manner in which you are pleased to explain the grounds of your testimony against the elections of the present year, seems to imply that it is your opinion that the two houses have been so far influenced by an inflammatory spirit in particular persons, as even to make an attack upon the government in form. The two houses proceeded in these elections with perfect good humor and good understanding; and as no other business had been transacted when we were favored with your speech, it is astonishing to us, that you should think this a time to 'interrupt the general harmony.' We are wholly at a loss to conceive, how a full, free and fair election can be called 'an attack upon the government in form,' 'a professed intention to deprive it of its best and most able servants,' 'an ill-judged and ill-timed oppugnation of the king's authority.' These, may it please your excellency, are high and grievous charges against the two houses, and such as we humbly conceive, no crowned head since the revolution has thought fit to bring against the two houses of parliament. It seems to us to be little short, if any thing, of a direct impeachment of the houses of high treason. Oppugnation of the king's authority is but a learned mode of expression, which reduced to plain English, is fighting against the king's most excellent majesty. But what, sir, is the oppugnation which we have been guilty of? We were summoned and convened here to give our free suffrages at the general election, directed to be annually made by the royal charter. We have given our suffrages according to the dictates of our consciences, and the best light of our understanding. It was certainly our right to choose, and as clearly a constitutional power in your excellency to disapprove, without assigning a reason either before or after your dissent. Your excellency has thought proper to disapprove of some. We are far even from suggesting that the country has by this means been deprived of its best and able servants. We have released those of the judges of the superior court who had the honor of a seat at the board, from the cares and perplexities of politics, and given them opportunity to make still farther advances in the knowledge of the law, and to administer right and justice within this jurisdiction. We have also left other gentlemen more at leisure to discharge the duties and functions of their important offices. This surely is not to deprive the government of its best and ablest servants, nor can it be called an oppugnation of any thing, but a dangerous union of legislative and executive power in the same persons; a grievance long complained of by our constituents, and the redress of which some of us had special instruction, to endeavor at this very election to obtain.

"Your excellency is pleased to say, that only one of all the American petitions 'was well received and of real use in producing the repeal;' that petition was forwarded from this province in season to be presented to the parliament, before the stamp act was passed; by whose influence the presentation of it was so long delayed by Mr. Agent Jackson, and omitted through that whole session of parliament, it is needless for us at present to inquire. If it was so well received as your excellency tells us it was, and of real use in procuring the repeal, there is reason to think it might have had its designed effect to prevent the passing that act, and saved this continent from that distress and confusion in which it has been involved. But your excellency is under a mistake, in supposing that this petition, alone, was well received and of real use. Those from the late general congress,\* we are informed by our agent, Mr. Deberdt, were early laid before the ministry, and were well received by them. He tells us, that Mr. Secretary Conway kindly undertook to present that which was prepared for his majesty; and as the royal ear is always open to the distresses of his people, we have not the least reason to doubt but that so united a supplication of his American subjects was graciously considered by him; and with regard to those to the two houses of parliament, one of them at least we know was highly approved of by the chairman of the committee for American affairs, was read in the house of commons, and supported by Mr. Pitt; it was never rejected, and we cannot suppose it failed of due attention merely for want of form. In truth, sir, we look back with the utmost pleasure upon the wisdom of the last house of representatives, in proposing such a union of the colonies; and although some have taken great pains to lessen the weight and importance of the late congress in the minds of the people, we have the strongest reason to believe that their firm and prudent measures had a very great influence in procuring this happy repeal.

"You are pleased to make a declaration that 'whenever an opportunity shall offer to restore harmony and union to the provincial councils, you will most cordially embrace it.' The time, sir, is already come; never was there so happy a juncture, in which to accomplish so desirable an end; and it will be the pride of this house to improve it; with this disposition we come together. If any expression or sentiment in your speech should have a contrary effect, as it will so far defeat our honest intention, it will fill us with real concern. Permit us also to say, that it will disappoint the expectations of his majesty and the parliament in repealing the stamp act; for it is most reasonable in them to expect that the restoration of the colonies to domes-

\* Held at New York, October, 1765.

tic peace and tranquillity will be the happy effect of the establishment of their just rights and liberties.

“When your excellency shall ‘be assisted by special instruction, and speak to us with greater authority than your own,’ we shall be all attention; being assured, from past experience, that every thing coming from his majesty will be full of grace and truth.”

[This answer was prepared by T. Cushing, (the speaker) J. Otis, S. Adams, Col. O. Partridge, Maj. Hawley, Mr. Saunders, and Mr. Dexter.]

*Answer of the Council to the Governor's Speech, June 7, 1766.*

“May it please your excellency,—The board having taken into consideration your two speeches, beg leave to return our warmest congratulations on the repeal of the stamp act; an event that has created the greatest and most universal joy which was ever felt on the continent of America; and which promises the most happy fruits to Great Britain, from the growing prospect and grateful affection of her colonies. Not insensible of the difficulties which have attended this important affair, and the dangers, which, not only this province, but all America have escaped, we assure your excellency, that nothing shall be wanting on our part, which may contribute towards a proper improvement of this happy event, and the promoting so desirable an object as domestic peace. From such a disposition, we cannot but take notice, with regret, of any thing, which threatens to draw the least cloud over the present general joy. It is with pain we express our apprehension, that your excellency's speech may tend to lead some, who are not acquainted with the state of the province, to entertain such an opinion of the government, or the people, or both, as they do not deserve. When your excellency is pleased to mention ‘inflammations, distractions, infatuations, and the fury of the people,’ you seem to refer to some enormities committed by unknown and abandoned persons, in a time of universal uneasiness and distress. But your excellency cannot mean to impute these enormities, justly abhorred by all ranks among us, to the body of this people, or any branch of the government. Detestable as they are, they can never lessen the reputation of this province; nor doth it need a veil on this occasion. Villains are to be found in the best communities on earth; and whatever excesses may have happened in America, under our late distressing apprehensions, the relief kindly granted us, demonstrates that our most gracious sovereign, and the British parliament, knew how to distinguish the complaints and dutiful remonstrances of loyal subjects, who thought themselves aggrieved, from the violences of a profligate rabble. Notwithstanding the intimations dropped from your excellency, we are sure no ill temper generally prevails among us; nothing can lead the parliament to repent its indulgence to

us; nothing that can afford just matter of triumph to those who were for maintaining the stamp act, nor of sorrow and concern to those who procured its repeal.

“Your excellency is pleased further to say, ‘when the government is attacked in form, when there is a professed intention to deprive it of its best and most able servants, whose only crime is their fidelity to the crown, I cannot be indifferent; but find myself obliged to exercise every legal and constitutional power to maintain the king’s authority against this ill-judged and ill-timed oppugnation of it.’ Whatever might have been your excellency’s intention, this is, according to the more obvious meaning of your expressions, a heavy charge, in which no particular persons, or any order of men, are specified, delivered in a speech to both houses of assembly, and which the world is left to place where it pleases.

“Your excellency expressly says, there has been an attack upon the government in form; and an ill-judged and ill-timed oppugnation of the king’s authority. A regard to our own character, to truth and justice, and the reputation of the province, in which we have the honor to serve his majesty, oblige us to speak upon this point with a freedom, in which we are far from meaning the least disrespect to your excellency. Silence, upon such an occasion, would merit the imputation, which some may be ready, from your manner of expression, to lay upon us; and would prove us equally unworthy of the choice which has been made of us, and your excellency’s approbation. Have, then, the people of this province been guilty of an attack upon the government in form, or of any oppugnation of the king’s authority? We declare to your excellency, we know of no such thing. The people, ever loyal to the best of sovereigns, and sensible of their felicity in connexion with, and subordination to, the mother country, have given new and unaffected testimony that these happy dispositions have increased in all orders, upon the indulgence granted to them. They have rejoiced, with the highest marks of honor and gratitude to the king, to both houses of parliament, and to our friends and patrons in Great Britain. They continually demonstrate a natural and warm affection to the country from which they are derived, and by which they have been protected and cherished. It has been no small addition to the joy of the wise and sober upon the late great occasion, that quite through the province good order and decorum have happily been preserved; and it is to the honor of that gracious prince, under whose government, all ranks among us account themselves happy. And we think it of peculiar importance, at the present season, to the people of this province, that they be viewed in this light. Your excellency will, therefore, allow us to bear this public testimony; a testimony which

may perhaps appear the more disinterested, as it comes from those who are not their mere immediate representatives. In the above cited passage, and in a great part of your speech, if your excellency had a particular reference to the transaction of both houses in the late election of counsellors, we beg leave to assure your excellency, that we know of nothing done by the general assembly on that day, which can, with any shadow of propriety, be deemed an attack upon government, or an oppugnation of the king's authority. Every part of the legislature has acted in its proper place, and exerted those powers only with which they were entrusted by the charter. No branch has usurped, or interfered with, the right of another. Diversity of sentiment respecting men and measures, and collisions of parties, are common in all free governments. Some elections have been made, which your excellency has signified your disapprobation of; and it has had its effect. But no one has called in question your right to negative such elections, or opposed you in the exercise of this branch of your authority. It would be improper to deliver our opinion of the expediency of any instances in which your excellency and the two houses of assembly have exerted the several powers which respectively belong to each. But we are obliged to assert, that nothing has taken place but what has been constitutional and according to the charter. And we are persuaded your excellency, upon reflection, will not think that an election duly made, though disagreeable to the chair, deserves to be called a formal attack upon government, or an oppugnation of the king's authority. And should any thing like this be ever attempted, your excellency would find this board zealous to defend our sovereign's honor and the constitutional power of his representative. We beg leave to assure your excellency, that we shall heartily join with you in healing divisions and burying animosities, should they arise; and that we shall cheerfully contribute all in our power to the peace and honor of your administration.

"May it please your excellency,—The letter from the right honorable Mr. Secretary Conway, to your excellency, accompanying your second speech from the chair, affords us a most agreeable occasion of repeatedly declaring the strong sentiments of respect and gratitude, with which we regard the lenity and tenderness already so remarkably manifested on the part of his majesty and the parliament, to the American colonies, and the prospect given us of some additional indulgences; for all which it will be our pleasure, as it must be our glory, to make the most dutiful and affectionate returns. These are the dispositions which have uniformly influenced this board, before we saw this letter, so happily adapted to confirm us in them. And we beg leave to assure your excellency, that from these dispositions we shall continue to act.

"There are several paragraphs in your excellency's speeches, which have been construed to bear hard on the gentlemen, who now constitute this board; but your explanation of them in council, and your repeated declarations, that you had no such intention, have given satisfaction to the board.

"We again beg leave to assure your excellency, that our best abilities shall be faithfully employed in promoting his majesty's honor and interest, and in making every part of your administration easy and happy; and such testimonies of your conduct, as are contained in Mr. Secretary Conway's letter, will not suffer us to conclude, without recognising your excellency in the united character of a true friend to the province, and a faithful servant to the crown."

[The committee who reported the above, were W. Brattle, J. Bowdoin, H. Gray, N. Ropes, and R. Tyler; and the committee who presented it, were W. Brattle, G. Bradford, T. Flucker, J. Powell, and J. Pitts.]

We also add here the vote of thanks, adopted in the house of representatives, June, 1766, to Mr. Pitt and others, members of the administration and of parliament, in England, for their influence in obtaining a repeal of the stamp act, which was so very obnoxious to the people of Massachusetts. And the answers of several of the noblemen, to whom the vote of thanks was sent.

*Vote of Thanks of the House of Representatives to divers noblemen and gentlemen, in England, for their efforts in procuring a repeal of the stamp act, June 20, 1766.*

Upon a motion made and seconded, Resolved, unanimously, that the most grateful acknowledgments of this house be made to the right honorable William Pitt, Esq., for his noble and generous efforts, in the present session of parliament, in favor of the British colonies; and particularly for the display of his great abilities, and his assiduous and successful endeavors in procuring an act for the repeal of the stamp act; and that the speaker be desired, by the first opportunity, to transmit to him a letter accordingly.

Resolved, unanimously, That the most sincere thanks of this house be given to his grace, Augustus Henry, Duke of Grafton, one of his majesty's principal secretaries of state, &c., for his noble and generous patronage of the British colonies. And that a copy of this vote be transmitted to his grace, in the most respectful manner, by the speaker.

The house also unanimously passed a vote of thanks, in the same tenor, severally to,

His grace, Philip Dorsett, Earl of Chesterfield, Lord Stanhope; his grace, Thomas Pelham, Duke of Newcastle; his

grace, Charles, Duke of Richmond; the right honorable Robert Earl, of Northington, Lord High Chancellor of Great Britain; the right honorable Henry Seymore Conway, Esq., one of his majesty's principal secretaries of state; the right honorable Charles Watson, Marquis of Rockingham, first lord commissioner of his majesty's treasury; the right honorable George Onslow; the right honorable Charles Townsend; the right honorable William, Earl of Shelburne; the right honorable Charles, Earl of Campden; the right honorable William, Earl of Dartmouth; the right honorable John, Earl of Egmont; the right honorable George, Duke of Pomfret; the right honorable Vere Poulett, Earl Poulett; the right honorable George, Lord Edgcombe; the right honorable William Dowdeswell, Esq., chancellor of his majesty's exchequer; Sir George Saville, Baronet, member of parliament, for Yorkshire; Sir William Meredith, Knight, member of parliament, for Liverpool; the right honorable Arthur Onslow, Esq.; the honorable George Howard, Esq., member of parliament, and general in his majesty's army; the honorable Isaac Barre, Esq., member of parliament, and colonel in his majesty's army; Sir William Baker, Knight, member of parliament; and George Cook, Esq., member of parliament.

Answer of Mr. *Pitt*, (Earl of Chatham): "The honor of your letter, communicating to me a public testimony of so high a nature, found me in a severe fit of the gout, which long disabled me from using my hand. Give me leave now to offer my humble acknowledgments, and to assure you, that though late, they are not less warmly dictated by a sense of respectful gratitude towards the house of representatives of Massachusetts. They will allow me to add, that I shall always esteem myself particularly fortunate, whenever the just discharge of my duty here, meets with approbation in America."

Duke of Richmond :—"Permit me to desire that you would make known to the house of representatives, the high sense I have of the honor they have done me in the vote of thanks which you transmitted me. Such a mark of their approbation of my conduct in relation to the British colonies, is very flattering to me. For though I can claim no other merit than that of heartily concurring in the important points which were so resolutely carried through by the administration; yet it is a great satisfaction to me to find, that I was right in my persuasion, that those measures would not only restore tranquillity to the colonies, but produce great benefit to them and returns of



gratitude to the mother country. In whatever station I may be, it will be my wish to see the prosperity of his Majesty's American dominions rise to the greatest height, both on their account, and because of the advantages that must necessarily result from thence to the mother country."

Of Duke of Newcastle :—" Nothing does me greater honor, or gives me more satisfaction, than to find that my endeavors for his majesty's service, for the honor, prosperity and welfare of all his dominions, meet with the approbation of those concerned in them. It has always been my utmost endeavor, during the long course of my being in the service of the public, to promote, to the best of my abilities, the true interest of his majesty, his royal family, and, as essential to it, the welfare and prosperity of all the British colonies, and their happy connexion with the mother country, so necessary to both. It was with great pleasure, that I saw his majesty and his parliament had thought proper to remove some inconveniences, which I always feared might prove prejudicial to both. And nothing gives me more comfort than to find that those measures have met with the proper returns to the king, and a due sense of their obligations to their mother country. As these have been the motives of my conduct, the colonies may depend, that in whatever station I am, I shall always act on the same principles."

Of Lord Shelburne:—" I have had the honor to receive a vote of the house of representatives, approving my conduct at the last session of parliament. I beg you to assure the house, that I esteem their approbation a very great honor, and of my sincere wishes for the prosperity and welfare of the province."

Of Lord Edgcombe:—" I am as sensible of the little claim I have to so distinguished a mark of their favor (the house of representatives as I am of the honor it does me to receive it; and I hope no conduct of mine will ever give them cause to change the favorable opinion they have been pleased to entertain of me; as no man wishes more sincerely a perfect harmony between the mother country and her colonies, or will be more ready to promote the real interest of both."

Of Lord Poulett:—"If any thing could add to the satisfaction which I have all along found in defending, to the utmost of my ability, the rights and privileges of the colonies, it is the public mark of favor, which you have been pleased to transmit me, by order of your assembly, signifying their approbation of my conduct. At the same time, I must confess it was no more than the duty I owed to our mother country required of me, whose interests are so closely interwoven with her colonies, that I cannot look upon them in any other light than as inseparable. Permit me to return the assembly my sincere thanks for the honor they have conferred on me, and to assure them that I can never consider myself as a friend to Great Britain, without being a friend to them. Fixed in these sentiments, I conclude with a most earnest prayer that Great Britain and her colonies, in future, may never have any jarring interests."

Of Sir J. Saville:—"I beg you to express for me the high sense I have of the honor done me by the public approbation of the house of representatives, of my conduct in the late important measures—the manner of doing this, I leave with you, only requesting, that it may be such as best to testify my regard and respect for the house, the value I set on their approbation, and the zeal I shall always retain for the true interests of Great Britain and her colonies. I conceive their interests to be so inseparable, that it is impossible to lose sight of the one, if one truly consults the other. And I persuade myself you will agree with me in thinking, that whoever inculcates a contrary doctrine, must be at least a sadly mistaken friend to one, if not indeed a fatal enemy to both."

Of Hon. George Howard:—"I can safely aver that the principles I acted upon were dictated by the real sentiments of my heart. I shall ever retain the most grateful and lively sense of so flattering a distinction, which will not fail to produce one of the most pleasing recollections of my life. I beg you to assure the house of the sincerity of these sentiments, and that I shall always be most anxious to promote and cement, as far as I am able, the united interests of Great Britain and her colonies."

Of George Cook, Esq.:—"I beg the favor of you, sir, to return my grateful thanks to the house, and to assure them of my constant attention to the welfare and support of the British colonies, and of their rights and privileges; and that I have re-

ceived this signal mark of their esteem, with the more satisfaction, as it flows from the representatives of loyal and free subjects."

Of Mr. Dowdeswell, Chancellor of the Exchequer:—"Let me beg you, to assure the house of representatives, of the grateful sense I have of the favorable opinion they are pleased to entertain of me, and that I shall always esteem it my duty to promote, as far as my poor abilities will enable me to do it, the general interests of Great Britain and her colonies."

Of General Conway:—"I beg you to assure the house of representatives, that I am truly sensible of this great honor conferred on me, and that I shall always be happy; when my public conduct may be thought, in any degree, to merit the approbation of so respectable a body."

"Of J. Barre, Esq.:—"It gives me the greatest pleasure to find that my poor endeavors in parliament have been thought deserving the public approbation of so respectable a body. I am highly sensible of the honor they have done me, and beg you to assure them that I shall seize every occasion to promote the interests of the colonies, and to cultivate that union and harmony, which at present so happily subsists between them and the mother country."

The agent of the province in England, wrote to the speaker of the house of representatives, that Lord Stanhope, and Mr. speaker Onslow were much pleased with the vote of thanks; and that their hearts were warm in the cause of America: and that the speaker (Mr. Onslow,) desired him to assure the house that he esteemed it the highest favor which could be conferred on him.

*Address of Thanks from the House of Representatives to the King for his assent to the repeal of the Stamp Act, June 19, 1766.*

Most gracious sovereign,—Your majesty's most faithful subjects, the representatives of your province of Massachusetts Bay,

in New England, under the deepest sense of duty and loyalty, beg leave humbly to approach the throne, and to express their warmest gratitude, that your majesty has been pleased, in parliament, to give your royal assent to the repeal of the American stamp act.

This is a repeated instance of your royal clemency, and affords a fresh and affecting testimony of your majesty's unremitted and indulgent attention to the welfare and happiness of all your subjects.

Your majesty will allow us, with the greatest grief and anxiety, to express our apprehension, that your American subjects may have been represented to your parliament as having manifested some kind of disaffection to their constitutional dependence on the parent country; and as disposed to take occasion from the lenity and tenderness of your majesty and the parliament, to abate of their respect and submission to the supreme legislative authority of Great Britain.

Permit us, with all humility, to assure your majesty of the great injustice of any such representations. Your subjects of this province, and we doubt not of the whole continent of America, are too sensible of the blessings they enjoy under your mild and gracious government, to admit the idea of such a temper and conduct, without abhorrence. They esteem their connexion with their fellow subjects in Great Britain, and a constitutional subordination to your parliament, their great privilege and security. Happy in the full possession of our rights and liberties under your majesty's propitious government, we never can be wanting in returns of duty and the most grateful affection.

Such, may it please your majesty, are our dispositions; and we beg leave to assure your majesty, that we shall ever esteem it our glory to cultivate, as far as our influence may extend, all sentiments of loyalty and affection to your majesty's personal government, and to maintain a happy harmony between your subjects of Great Britain and those of your American colonies.

(Signed) T. CUSHING, *Speaker*.

[The committee by whom this address was prepared, were, the speaker, (Mr. Cushing,) Mr. Otis, Mr. Worthington, Mr. Adams, Mr. Dexter, and O. Partridge.]

*See page 207.* It was Edward Payne, and not Edward Davis, who was on the committee mentioned in the note.

*See page 231.* The friends of Governor Hutchinson believed that Governor Pownall furnished Dr. Franklin with these letters. Pownall and Hutchinson were not political friends. The former was more popular in Massachusetts : and he had intrigued against Governor Shirley in 1757-8. What his object could be in opposing Governor Hutchinson does not appear.

*See page 213.*

The following, with others, were on the grand jury, for Suffolk county, which declined acting

Ebenezer Hancock  
Paul Revere.  
Peter Boyer  
Thomas Pratt.  
Joseph Hall.  
Lemuel Kollock.  
James Ivers.  
Thomas Crafts, Jr.  
Samuel Hobart.  
Nathaniel Bullard.

The Petit Jurors were :—

Josiah Waters.  
Nathan Frazier  
Robert Wyer.  
John Cunningham.  
Bartholomew Kneeland.  
Timothy Tilestone.  
Jacob Sharpe.  
Theodore Mann.  
James Blake.  
Elias Thayer.  
Nathaniel Lewis, &c.

*See page 244.* Whereas the power but not the justice, the vengeance but not the wisdom of Great Britain, which of old persecuted, scourged and exiled our fugitive parents from their native shores, now pursue us, their guiltless children, with unrelenting severity—and whereas this, then savage and uncultivated desert was purchased by the toil and treasure, or acquired by the blood and valor of those our venerable progenitors—to us they bequeathed the dear-bought inheritance; to our care

and protection they consigned it; and the most sacred obligations are upon us to transmit the glorious purchase, (unfettered by power, unclogged by shackles,) to our innocent and beloved offspring. On the fortitude, on the wisdom, and on the exertions of this important day, is suspended the fate of this new world, and of unborn millions. If a boundless extent of continent, swarming with millions, will tamely submit to live, move and have their being at the arbitrary will of a licentious ministry, they basely yield to voluntary slavery; and future generations will load their memories with incessant execrations. On the other hand, if we arrest the hand which would rifle our purses, if we disarm the parricide who points the dagger to our bosoms, if we nobly defeat that fatal edict which proclaims a power "to frame laws for us in all cases whatever," thereby entailing the endless and numberless curses of slavery upon us, our heirs and their heirs forever,—if we successfully resist that unparalleled usurpation of unconstitutional power, whereby our capital is robbed of the means of life; whereby the streets of Boston are thronged with military executioners; whereby our coasts are lined and harbors crowded with ships of war; whereby the charter of the colony, (that sacred barrier against the encroachments of tyranny) is mutilated, and in effect annihilated; whereby a murderous law is framed to shelter villains from the hands of justice; whereby the unalienable and inestimable inheritance, which we derived from nature, and the constitution of Britain, and which is warranted to us in the charter of the province, is totally wrecked, annulled and vacated; posterity will gratefully acknowledge that virtue which preserved them free and happy. And, while we enjoy the blessings and the rewards of the faithful, the torrent of panegyric will roll our reputations to that latest period, when the streams of time shall be absorbed in the abyss of eternity.

NOTE. The foregoing has generally been attributed to the pen of Gen. Joseph Warren; as well as the resolutions which followed. But some have supposed that the writer was Dr. Benjamin Church.

#### RESOLVES.

We, the heirs and successors of the first planters of this colony, do cheerfully acknowledge his majesty, George the Third, King of Great Britain, to be our rightful sovereign, and that our patent from a former king of England is the tenure and claim, on which are founded our allegiance and submission.

Second. That it is an indispensable duty which we owe to God, our country, ourselves and posterity, by all lawful ways and means in our power, to maintain, defend, and preserve those civil and religious rights and liberties, for which many of our

fathers fought, bled, and died; and to hand them down entire to future generations.

Third. That the late acts of the British parliament, for blocking up the harbor of Boston, and for altering the established form of government in this colony, and for screening the most flagitious violators of the laws of the province from legal trial,—are gross infractions of those rights, to which we are justly entitled, by the laws of nature, the British constitution and the charter of the province.

Fourth. That no obedience is due from this province to either or any part of the acts above-mentioned; but that they be rejected, as the attempts of a wicked administration to enslave America.

Fifth. That so long as the justices of the superior court, or of the inferior courts of pleas are appointed and hold their places by any other tenure than that which the charter and laws of the province direct, they should be considered as under undue influence; and are therefore unconstitutional officers, and as such no regard ought to be paid to them by the people.

Sixth. That if the justices of said courts shall sit and act during their present disqualified state, this county will support and bear harmless all sheriffs, constables, jurors and other officers, who shall refuse to execute the orders of said courts. And it is earnestly recommended to all creditors to exercise all reasonable and generous forbearance to their several creditors, and to debtors, to discharge their just debts, with all possible speed; and we also advise all to submit their disputes to arbitrators.

Seventh. That all collectors of taxes be advised to retain the public moneys in their hands until the civil government of the province is placed on constitutional ground, or till otherwise ordered by the *proposed* provincial congress.

Eighth. That those who have accepted seats at the council board, by virtue of a *mandamus* from the king and according to the late act of parliament for regulating the government of the Massachusetts Bay, have acted in direct violation of their duty to their country, and have thereby given great and just offence to this people—and that all who do not immediately resign their places at the board, be considered as obstinate and incorrigible enemies of the province.

Ninth. That the fortifications began and now erecting on Boston Neck are justly alarming to this country, and give us reason to apprehend some hostile intention against that town.

Tenth. That as our enemies have flattered themselves that they shall make an easy prey of this brave and hardy people, from a belief that they are ignorant of military discipline; we therefore, for the honor, defence and security of this county and province, advise, (as it has been proposed to take away the

commissions of officers of the militia) that those who now hold commissions, and such others as are worthy and friends of the rights of the people be elected by the militia, in the several towns, and that all the citizens who are qualified use their utmost diligence to acquaint themselves with the art of war, and do meet for that purpose, at least once a week.

Eleventh. That during the present hostile appearance on the part of Great Britain, notwithstanding the many insults and oppressions, which we most sensibly resent; yet, nevertheless, from affection to his majesty, which we have at all times cherished, we will act merely on the *defensive*, so long as such conduct may be vindicated by reason and the principles of self-preservation, and no longer.

Twelfth. That as we understand it is intended to apprehend sundry persons of this county who have rendered themselves conspicuous in contending for the violated rights and liberties of their country, we do recommend, if such an *audacious* measure should be put in practice, to seize and keep in safe custody every servant of the present tyrannical and unconstitutional government in the county and province, till the persons so apprehended be liberated, and be restored safe and uninjured to their friends and families.

Thirteenth. That the exigencies of our public affairs demand that a provincial congress be called, to concert such measures as may be adopted and vigorously prosecuted by the whole people; and we do recommend it to the several towns in this county to choose members for such a provincial congress, to be holden at Concord on the second Tuesday of October.

Fourteenth. That confiding in the wisdom and integrity of the continental congress, now sitting in Philadelphia, we will pay all due respect and submission to the measures recommended by them to the colonies, for the restoration and establishment of our just rights, civil and religious, and for renewing that harmony and union between Great Britain and the colonies, so earnestly desired by all good men.

Fifteenth. That, whereas the universal uneasiness which prevails among all orders of men, arising from the wicked and oppressive measures of the present administration, may influence some unthinking persons to commit outrages on private property, we would earnestly recommend to all persons of the community, not to engage in any routs, riots, or licentious attacks on the property of any persons whatever; as being subversive of all order and government; but by a steady, manly, uniform and persevering opposition, to convince our enemies, that, in a contest so important, in a cause so solemn, our conduct shall be such as to merit the approbation of the wise and good, and the admiration of the brave and free, of every age and every country.



*See page 265.* John Adams was appointed *first*, or chief justice of the superior court in November, 1775. This appointment has not been usually noticed, in the account published of justices of that court in Massachusetts. It does not appear that Mr. Adams declined immediately, as Mr. Paine and Mr. Reed did. But his duties, as a member of the continental congress, did not permit him to give much time to his office as judge; and sometime in 1776 he resigned it.

*See page 277.* A CONSTITUTION and form of government for the State of Massachusetts Bay, agreed upon by the convention of said state, February 28, 1778; to be laid before the several towns and plantations in the state; for their approbation or disapprobation.

*State of Massachusetts Bay,*

*In Convention, February 28, 1778.*

Whereas, upon the declaration of independence, made by the representatives of the United States, in congress assembled, by which all connexions between the said states and Great Britain were dissolved, the general assembly of this state thought it expedient, that a new constitution of government for this state should be formed; and, apprehending that they were not invested with sufficient authority to deliberate and determine upon so interesting a subject, did, on the fifth day of May, 1777, for effecting this valuable purpose, pass the following resolve:

*"Resolved,* That it be, and hereby is recommended to the several towns and places in this state, empowered by the laws thereof, to send members to the general assembly, that, at their next election of a member or members to represent them, they make choice of men, in whose integrity and ability they can place the greatest confidence; and, in addition to the common and ordinary powers of representation, instruct them with full powers, in one body with the council, to form such a constitution of government as they shall judge best calculated to promote the happiness of this state; and when completed, to cause the same to be printed in all the Boston newspapers, and also in handbills, one of which to be transmitted to the selectmen of each town, or the committee of each plantation, to be by them laid before their respective towns or plantations, at a regular meeting of the inhabitants thereof, to be called for that purpose, in order to its being, by each town and plantation, duly considered, and a return of their approbation or disapprobation to be made into the secretary's office of this state, at a reasonable time, to be fixed upon by the general court; specifying the

numbers present at such meeting voting for, and those voting against the same; and, if upon a fair examination of said returns, by the general court, or such a committee as they shall appoint for that purpose, it shall appear, that the said form of government is approved of by at least two thirds of those who are free, and twenty-one years of age, belonging to this state, and present in the several meetings, then the general court shall be empowered to establish the same as the constitution and form of government of the state of Massachusetts Bay; according to which the inhabitants thereof shall be governed in all succeeding generations, unless the same shall be altered by their express direction, or at least two thirds of them. And it is further recommended to the selectmen of the several towns, in the return of their precepts for the choice of representatives, to signify their having considered this resolve, and their doings thereon: ”

And whereas the good people of this state, in pursuance of the said resolution, and reposing special trust and confidence in the council and in their representatives, have appointed, authorized, and instructed their representatives, in one body with the council, to form such a constitution of government as they shall judge best calculated to promote the happiness of this state, and when completed, to cause the same to be published for their inspection and consideration:

We, therefore, the council and representatives of the people of the state of Massachusetts Bay, in convention assembled, by virtue of the power delegated to us, and acknowledging our dependence upon the Allwise Governor of the universe for direction, do agree upon the following form of a constitution of government for this state, to be sent out to the people, that they may act thereon, agreeably to the aforesaid resolve.

I. There shall be convened, held, and kept, a general court, upon the last Wednesday in the month of May of every year, and as many other times as the said general court shall order and appoint: which general court shall consist of a senate and house of representatives, to be elected as this constitution hereafter directs.

II. There shall be elected annually a governor and lieutenant governor, who shall each have, by virtue of such election, a seat and voice in the senate; and the style and title of the governor shall be His Excellency; and the style and title of the lieutenant governor shall be His Honor.

III. No person shall be considered as qualified to serve as governor, lieutenant governor, senator or representative, unless qualified respectively at the time of their several elections as follows, viz: The governor and lieutenant governor shall have been inhabitants of this state five years immediately preceding the time of their respective election; the governor shall be pos-

sessed, in his own right, of an estate of the value of one thousand pounds, whereof five hundred pounds value, at the least, shall be in real estate, within this state; the lieutenant governor shall be possessed, in his own right, of an estate of the value of five hundred pounds, two hundred and fifty pounds thereof, at the least, to be in real estate, within this state: a senator shall be possessed, in his own right, of an estate to the value of four hundred pounds, two hundred pounds thereof, at the least, to be in real estate, lying in the district for which he shall be elected. A representative shall be possessed, in his own right, of an estate to the value of two hundred pounds, one hundred pounds thereof, at the least, to be in real estate lying in the town for which he shall be elected. Senators and representatives shall have been inhabitants of districts and towns for which they shall be respectively elected, one full year immediately preceding such election; provided, that when two or more towns join in the choice of a representative, they may choose an inhabitant of either of said towns, being otherwise qualified as this article directs.

IV. The judges of the superior court, secretary, treasurer general, commissary general, and settled ministers of the gospel, while in office; also all military officers, while in the pay of this or the United States, shall be considered as unqualified for holding a seat in the general court; and the judges and registers of probate, for holding a seat in the senate.

V. Every male inhabitant of any town in this state, being free and twenty-one years of age, excepting negroes, Indians, and mulattoes, shall be entitled to vote for a representative or representatives, as the case may be, in the town where he is resident; provided he has paid taxes in said town (unless by law excused from taxes) and been resident therein one full year, immediately preceding such voting, or that such town has been his known and usual place of abode for that time, or that he is considered as an inhabitant thereof: and every such inhabitant qualified as above, and worth sixty pounds clear of all charges thereon, shall be entitled to put in his vote for governor, lieutenant governor, and senators: and all such voting for governor, lieutenant governor, senators, or representatives, shall be by ballot, and not otherwise.

VI. Every incorporated town within this state shall be entitled to send one representative to the general court: any town having three hundred voters may send two; having five hundred and twenty voters may send three; having seven hundred and sixty may send four; and so on, making the increasing number necessary for another member, twenty more than the last immediately preceding increasing number, till the whole number of voters in any town are reckoned. And each town shall pay the expense of its own representative or representatives; and the

inhabitants of any two or more towns, who do not incline to send a representative for each town, may join in the choice of one, if they shall so agree.

VII. The selectmen of each town shall some time in the month of April, annually, issue their warrant or warrants, under their hands and seals, directed to some constable or constables, within their towns, respectively, requiring him or them to notify the inhabitants qualified to vote for a representative, to assemble in some convenient place in such town, for the choice of some person or persons, as the case may be, to represent them in the general court the ensuing year: the time and place of meeting to be mentioned in the warrant or warrants for calling such meeting. And the selectmen of each town respectively, or the major part of them, shall make return of the name or names of the person or persons elected by the major part of the voters present, and voting in such meeting, to represent said town in the general court the ensuing year, into the secretary's office, on or before the last Wednesday of May then next ensuing: and when two or more towns shall agree to join for such choice, the major part of the selectmen of those towns shall, in the manner above directed, warn a meeting to be held in either of the said towns, as they shall judge most convenient, for that purpose, and shall make returns as aforesaid, of the person chosen at such meeting.

VIII. The number of senators shall be *twenty-eight*, (exclusive of the governor and lieutenant governor) their election shall be annual, and from certain districts, into which the state shall be divided, as follows, viz: The middle district to contain the counties of Suffolk, Essex, and Middlesex, within which ten senators shall be elected: the southern district to contain the counties of Plymouth, Barnstable, Bristol, Dukes county and Nantucket, within which six senators shall be elected: the western district to contain the counties of Hampshire, Worcester, and Berkshire, within which eight senators shall be elected: the northern district to contain the counties of York and Cumberland, within which three shall be elected: the eastern district to contain the county of Lincoln, within which one shall be elected. And as the numbers of inhabitants in the several districts may vary, from time to time, the general court shall, in the way they shall judge best, some time in the year one thousand seven hundred and ninety, and once in twenty years ever after, order the number of the inhabitants of the several districts to be taken, that the senators may be apportioned anew to the several districts, according to the numbers of the inhabitants therein. And the general court may, at such new appointment, increase the number of senators to be chosen as they may see fit; provided that the whole number shall never exceed thirty-six, exclusive of the governor and lieutenant governor.

IX. The inhabitants of the several towns in this state, qualified as this constitution directs, shall, on the first Wednesday in the month of November, annually, give in their votes in their respective towns, at a meeting which the selectmen shall call for that purpose, for senators for the year ensuing the last Wednesday in May then next. The votes shall be given in for the members of each district separately, according to the foregoing apportionment, or such as shall be hereafter ordered; and the selectmen and town clerk of each town shall sort and count the votes, and, by the third Wednesday in December then next, transmit to the secretary's office, a list certified by the town clerk of all the persons who had votes as senators for each district at such meeting, and the number each person had, affixed to his name. The lists, so sent in, shall be examined by the general court at their then next sitting, and a list for each district of those voted for, to the amount of double the number assigned such district (if so many shall have votes) taking those who had the highest numbers, shall be made out and sent by the first of March, then next after, to the several towns of this state, as a nomination list, from which said towns shall, at their meetings for the choice of governor in the month of May, vote for the senators assigned the respective districts; which votes shall be counted and sorted and lists certified as before directed, made out and sent in to the secretary's office, by ten o'clock in the forenoon of the last Wednesday in said May, and not afterwards; which lists shall be examined by the house of representatives for the first time of the election of senators, and ever afterwards by the senate and house of representatives on said last Wednesday of May, or as soon after as may be; and those persons in each district, equal to the number assigned such district, who have the greatest number of votes, shall be senators for the ensuing year, unless it shall appear to the senate that any member or members thereof were unduly elected or not legally qualified; of which the senate shall be the judges. And the senate, when so constituted, shall continue in being till another senate is chosen, and the members thereof gone through all the steps necessary to qualify them to enter on the business assigned them by this constitution.

X. There shall be forever hereafter, on the first Wednesday in the month of May annually, to be held, in each town in this state, a meeting of the inhabitants of such towns respectively, to give or put in their votes for governor, lieutenant governor, and senators; which meeting the selectmen shall cause to be notified in the manner before directed for the meeting for the choice of representatives: and the town clerk shall return into the secretary's office by ten o'clock in the morning of the last Wednesday of said May, and not afterwards, an attested copy of all the persons who had votes for governor and lieutenant

governor respectively, certifying the number of votes each person so voted for had; which lists shall be, on said last Wednesday of May, or as soon after as may be, examined by the senate and house of representatives; and the persons who, on such examination, shall appear to have the greatest number of votes for those offices respectively, provided it be a majority of the whole number, shall be by the two houses declared governor and lieutenant governor, and entitled to act as such the ensuing year: and if no person shall have such majority for governor and for lieutenant governor, the senate and house of representatives shall, as soon as may be, after examining said lists, proceed by joint ballot to elect a governor or lieutenant governor, or both, as the case may require, confining themselves to one of those three who had the greatest number of votes collected in the several towns for the office to be filled.

XI. If any person chosen governor, lieutenant governor, senator, or representative, whose qualifications shall be questioned by any one member of the senate or house of representatives, within twenty-four days after his appearing to enter upon the execution of his office, shall not make oath before a senator, the speaker of the house of representatives, or some justice of the peace, that he is qualified as required by this constitution, and lodge a certificate thereof in the secretary's office, within ten days after notice given him of such questioning by the secretary, whose duty it shall be to give such notice, his election shall be void; and any person claiming privilege of voting for governor, lieutenant governor, senators, or representatives, and whose qualifications shall be questioned in town meeting, shall by the selectmen be prevented from voting, unless he shall make oath that he is qualified as this constitution requires; said oath to be administered by a justice of the peace, or the town clerk, who is hereby empowered to administer the same, when no justice is present.

XII. Whenever any person who may be chosen a member of the senate shall decline the office to which he is elected, or shall resign his place, or die, or remove out of the state, or be any way disqualified, the house of representatives may, if they see fit, by ballot, fill up any vacancy occasioned thereby, confining themselves in the choice to the nomination list for the district to which such member belonged whose place is to be supplied, if a sufficient number is thereon for the purpose; otherwise the choice may be at large in said district.

XIII. The general court shall be the supreme legislative authority of this state, and shall accordingly have full power and authority to erect and constitute judicatories and courts of record, or other courts; and, from time to time, to make and establish all manner of wholesome and reasonable orders, laws, and statutes; and also for the necessary support and defence of

this government, they shall have full power and authority to levy proportionable and reasonable assessments, rates and taxes; and to do all and every thing they shall judge to be for the good and welfare of the state, and for the government and ordering thereof; provided nevertheless, they shall not have any power to add to, alter, abolish, or infringe any part of this constitution. And the enacting style in making laws shall be "by the senate and house of representatives in general court assembled, and by the authority of the same."

XIV. The senate and house of representatives shall be two separate and distinct bodies, each to appoint its own officers, and settle its own rules of proceedings; and each shall have an equal right to originate or reject any bill, resolve or order, or to propose amendments to the same, excepting bills and resolves levying and granting money or other property of the state, which shall originate in the house of representatives only, and be concurred or non-concurred in whole by the senate.

XV. Not less than sixty members shall constitute or make a quorum of the house of representatives; and not less than nine shall make a quorum of the senate.

XVI. The senate and house of representatives shall have power to adjourn themselves respectively; provided such adjournment shall not exceed two days at any one time.

XVII. The governor shall be president of the senate. He shall be general and commander-in-chief of the militia, and admiral of the navy of this state; and empowered to embody the militia, and cause them to be marched to any part of the state, for the public safety, when he shall think necessary; and in the recess of the general court, to march the militia, by advice of the senate, out of the state, for the defence of this, or any other of the United States; provided always, that the governor shall exercise the power, given him by this constitution, over the militia and navy of the state, according to the laws thereof, or the resolves of the general court. He shall, with the advice of the senate, in the recess of the general court, have power to prorogue the same from time to time, not exceeding forty days in any one recess of said court; and in the sitting of said court, to adjourn or prorogue the said court to any time they shall desire, or to dissolve the same at their request, or to call the said court together sooner than the time to which it may be adjourned or prorogued, if the welfare of the state should require the same. He shall have power, at his discretion, to grant reprieves to condemned criminals for a term or terms of time, not exceeding six months. It shall be the duty of the governor to inform the legislature at every session of the general court, of the condition of the state; and, from time to time, to recommend such matters to their consideration, as shall appear to him to concern its good government, welfare and prosperity.

XVIII. Whenever the person who may be chosen governor shall decline the trust, to which he is thereby elected or shall resign or die, or remove out of the state, or be otherwise disqualified, the lieutenant governor shall have the like power during the vacancy in the office of governor, as the governor is by this constitution vested with; and in case of a vacancy in the office of governor and lieutenant governor, the major part of the senate shall have authority to exercise all the powers of a governor during such vacancy; and in case both the governor and the lieutenant governor be absent from the senate, the senior or first senator then present shall preside.

XIX. All civil officers annually chosen, with salaries annually granted for their services, shall be appointed by the general court, by ballot; each branch to have a right to originate or negative the choice. All other civil officers, and also all general, field, and staff officers, both of the militia and of the troops which may be raised by and be in the pay of this state, shall be appointed by the governor and senate: captains and subalterns of troops raised by and in the pay of the state to be also appointed by the governor and senate.

XX. The governor and senate shall be a court for the trial of all impeachments of any officers of this state, provided that if any impeachment shall be prosecuted against the governor, lieutenant governor, or any one of the senate; in such case, the person impeached shall not continue one of the court for that trial. Previous to the trial of any impeachment, the members of the court shall be respectively sworn, truly and impartially to try and determine the charge in question, according to evidence; which oath shall be administered to the members by the president, and to him by any one of the senate. And no judgment of said court shall be valid, unless it be assented to by two thirds of the members of said court present at such trial; nor shall judgment extend further than to removal of the person tried from office and disqualification to hold or enjoy any place of honor, trust, or profit, under the state: the party so convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to the laws of the state: and the power of impeaching all officers of the state for misconduct in their respective offices shall be vested in the house of representatives.

XXI. The governor may, with the advice of the senate, in the recess of the general court, lay an embargo, or prohibit the exportation of any commodity for any term of time, not exceeding forty days in any one recess of said court.

XXII. The governor shall have no negative, as governor, in any matter pointed out by this constitution to be done by the governor and senate, but shall have an equal voice with any senator on any question before them; provided that the gover-



nor, or in his absence out of the state, the lieutenant governor, shall be present in senate to enable them to proceed on the business assigned them by this constitution, as governor and senate.

XXIII. The power of granting pardons shall be vested in the governor, lieutenant governor, and speaker of the house of representatives, for the time being, or in either two of them.

XXIV. The justices of the superior court, the justices of the inferior courts of common pleas, judges of probate of wills, judges of the maritime courts, and justices of the peace, shall hold their respective places during good behavior.

XXV. The secretary, treasurer general, and commissary general shall be appointed annually.

XXVI. The attorney general, sheriffs, registers of the courts of probate, coroners, notaries public, and naval officers, shall be appointed and hold their offices during pleasure.

XXVII. The justices of the superior court, justices of the inferior courts, courts of the general sessions of the peace, and judges of the maritime courts, shall appoint their respective clerks.

XXVIII. The delegates for this state to the continental congress shall be chosen annually by joint ballot of the senate and house of representatives, and may be superseded, in the mean time, in the same manner. If any person holding the office of governor, lieutenant governor, senator, judge of the superior court, secretary, attorney general, treasurer general, or commissary general, shall be chosen a member of congress, and accept the trust, the place which he so held as aforesaid, shall be considered as vacated thereby, and some other person chosen to succeed him therein. And if any person, serving for this state at said congress, shall be appointed to either of the aforesaid offices, and accept thereof, he shall be considered as resigning his seat in congress, and some other person shall be chosen in his stead.

XXIX. No person unless of the protestant religion shall be governor, lieutenant governor, a member of the senate, or of the house of representatives, or hold any judiciary employment within this state.

XXX. All commissions shall run in the name of the state of Massachusetts Bay, bear test, and be signed by the governor or commander-in-chief of the state, for the time being, and have the seal of the state thereunto affixed, and be attested by the secretary or his deputy.

XXXI. All writs issuing out of the clerk's office of any of the courts of law within this state, shall be in the name of the state of Massachusetts Bay, under the seal of the court from which they issue, bear test of the chief justice, or senior or

first justice of the court where such writ is returnable, and be signed by the clerk of such court. Indictments shall conclude "against the peace and dignity of the state."

XXXII. All the statute laws of this state, the common law, and all such parts of the English and British statute laws, as have been adopted and usually practised in the courts of law in this state shall still remain and be in full force until altered or repealed by a future law or laws of the legislature; and shall be accordingly observed and obeyed by the people of this state; such parts only excepted as are repugnant to the rights and privileges contained in this constitution; and all parts of such laws as refer to and mention the council shall be construed to extend to the senate. And the inestimable right of trial by jury shall remain confirmed as part of this constitution forever.

XXXIII. All moneys shall be issued out of the treasury of this state and disposed of by warrants under the hand of the governor for the time being, with the advice and consent of the senate, for the necessary defence and support of the government, and the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

XXXIV. The free exercise and enjoyment of religious profession and worship shall forever be allowed to every denomination of protestants within this state.

XXXV. The following oath shall be taken by every person appointed to any office in this state, before his entering on the execution of his office; viz: *I, A. B., do swear (or affirm, as the case may be) that I will bear faith and true allegiance to the state of Massachusetts; and that I will faithfully execute the business of the office of \_\_\_\_\_ agreeably to the laws of this state, according to my best skill and judgment, without fear, favor, affection or partiality.*

XXXVI. And whereas it may not be practicable to conform to this constitution in the election of governor, lieutenant governor, senators, and representatives for the first year; therefore,

The present convention, if in being, or the next general assembly, which shall be chosen upon the present constitution, shall determine the time and manner in which the people shall choose said officers for the first year; and upon said choice, the general assembly, then in being, shall be dissolved and give place to the free execution of this constitution.

By order of the convention,

JEREMIAH POWELL, *President.*

*Attest,*

SAMUEL FREEMAN, *Clerk.*

See page 330.

NEW YORK, October 18, 1787.

Gentlemen—I have the honor to inclose, pursuant to my commission, the constitution proposed by the federal convention.

To this system, I gave my dissent, and shall submit my objections to the honorable legislature.

It was painful for me, on a subject of such national importance, to differ from the respectable members who signed the constitution. But, conceiving as I did, that the liberties of America were not secured by the system, it was my duty to oppose it.

My principal objections to the plan are, that there is no *adequate* provision for a *representation of the people*; that they have *no security for the right of election*; that some of the powers of the legislature are *ambiguous*, and others *indefinite and dangerous*; that the executive is *blended* with, and will have an *undue* influence over, the legislature; that the judicial department will be *oppressive*; that treaties of the highest importance may be formed by the president, with the advice of *two thirds* of a quorum of the senate; and that the system is without the security of a *bill of rights*. These are objections which are not local; but apply equally to all the states.

As the convention was called for “the sole and express purpose of revising the articles of confederation, and reporting to congress and to the several legislatures, such alterations and provisions as shall render the federal constitution adequate to the exigencies of government, and the preservation of the union,” I did not conceive that these powers extended to the formation of the plan proposed; but the convention being of a different opinion, I acquiesced in it; being fully convinced, that, to preserve the union, an *efficient government was indispensably necessary*; and that it would be difficult to make proper amendments to the articles of confederation.

The constitution proposed has *few*, if any *federal* features; but it is rather a system of *national* government: nevertheless, in many respects, I think it has great merit, and, by proper amendments, may be adapted to “the exigencies of government,” and the preservation of liberty.

The question on this plan involves others of the highest importance—First, whether there shall be a *dissolution* of the federal government? Secondly, whether the several state governments shall be so altered, as, in effect, to be dissolved? And thirdly, whether, in lieu of the *federal* and *state* governments, the *national* constitution, now proposed, shall be substituted without amendment? Never, perhaps, were a people called on to decide a question of greater magnitude. Should the citizens of America adopt the plan as it now stands, their liberties may be lost. Or should they reject it altogether, anarchy may ensue. It is evident, therefore, that they should not be precipi-

tate in their decisions; that the subject should be well understood, lest they should refuse to support the government, after having hastily adopted it.

If those who are in favor of the constitution, as well as those who are against it, should preserve moderation, their discussions may afford much information, and finally direct to a happy issue.

It may be urged by some, that an implicit confidence should be placed in the convention. But, however respectable the members may be who signed the constitution, it must be admitted that a free people are the proper guardians of their rights and liberties; that the greatest men may err; and that their errors are sometimes of the greatest magnitude.

Others may suppose, that the constitution may be safely adopted, because therein provision is made to *amend* it. But cannot this object be better obtained before a ratification, than after it? And should a free people adopt a form of government, under conviction that it wants amendment?

And some may conceive, that, if the plan is not accepted by the people, they will not unite in another. But surely, while they have the power to amend, they are not under the necessity of rejecting it.

I shall only add, that, as the welfare of the union requires a better constitution than the confederation, I shall think it my duty, as a citizen of Massachusetts, to support that which shall be finally adopted; sincerely hoping it will secure the liberty and happiness of America.

(Signed)

E. GERRY.

To Hon. S. Adams,

President of the Senate, and

Hon. James Warren,

Speaker of the House of Representatives.

This letter of Mr. *Gerry* states the alleged defects and the principal objections to the constitution of the United States, as prepared by the continental convention, held in Philadelphia, in 1787, and subsequently adopted by the several states in the union. He refers to the objections in his own mind, which led him, as a delegate from Massachusetts to that convention, to decline signing it; and they operated with a great portion of the people in this and other states, to vote against it. And but for the conciliatory measure proposed by Governor Hancock, recommending several additional articles, as explaining and limiting the powers of the general government, the constitution would have been rejected by the convention in Massachusetts. It was thought that too much power was vested in the federal government, and that congress was not duly restricted in the exercise of political authority over the several states. It was a

great objection that there was no bill of rights, and that congress might exercise power to any extent it should think proper: and therefore the article was proposed, providing expressly "that all power not clearly given by the constitution remained to the several states, or the people thereof." And in the convention of Massachusetts, in answer to the objection referred to above, it was said, "that the federal government was not intended by the constitution to be a *consolidated* government, but a consolidation of the strength of the union in certain cases, and for specified purposes." In reply to the objection, that the new constitution went much farther than was intended, it was asserted, that the design was so to amend the old confederation as that a remedy should be provided for its defects: and that it was for the interest of the whole to confederate against a foreign enemy. And it was admitted, that congress would have, and ought to have, the power, to oblige the several states to comply with its requisitions. As to the objection, that there was no bill of rights, it was replied, "that in the state constitutions there was a grant of *all* power except what was expressly reserved to the people by the bill of rights. But that the federal constitution was very different; its powers were delegated, and that what was not granted remained with the people of the several states: that the legislature of Massachusetts had power to make all and any laws not repugnant to the constitution of the state; and therefore there was a necessity for a bill of rights; but that this was not true of the federal constitution; and *the federal government could rightfully exercise only such power and for such purposes, as were specified, or clearly granted.*"

See page 385.

#### GENERAL ORDERS.

*Commonwealth of Massachusetts, }  
Head Quarters, Boston, July 3, 1812. }*

War having been declared by the government of the United States against Great Britain and Ireland, and the dependencies thereof, the commander-in-chief calls upon the militia of Massachusetts duly to notice the solemn and interesting crisis, and exhorts them to meet the occasion with constancy and firmness.

When war is commenced no human foresight can discern the time of its termination, or the course of events that must follow in its train. But the path of duty is the path of safety. Providence seldom abandons to ruin those, who, to a just reliance on the superintending influence of Heaven, add their own vig-

ilant and strenuous exertions to preserve themselves. At the present moment, therefore, the commander-in-chief earnestly recommends to the officers, of every grade, a close and persevering attention to the duties resulting from their several stations; particularly that they acquire and maintain a perfect knowledge of the condition of their respective commands, and see, as far as in their power, that their men are duly armed and equipped; that the time allotted to trainings be devoted to the instruction of non-commissioned officers and soldiers in the exercise of arms, and in the practice of evolutions, as prescribed in the established regulations; and that the provisions and intentions of the laws being in every respect fulfilled, they may be ready, with alacrity and effect, to defend their country, their constitutional rights, and those liberties which are not only our birthright, but which at the expense of so much blood and treasure, were purchased in the late revolution.

From the docility, from the good sense and patriotism of the non-commissioned officers and soldiers, the commander-in-chief is led to expect a patient submission to the instructions of their officers, prompt obedience to orders, and the practice of all those military and masculine virtues which adorn the soldier and exalt the man.

To all the militia, both officers and soldiers, the commander-in-chief would superadd an earnest exhortation, as they are citizens as well as soldiers, to cultivate a spirit of candor, of friendship, and mutual forbearance, and an ardent love of country, that shall elevate them above all sinister views, and eventually secure to them and their children the blessings of peace, of liberty, and good government.

The commander-in-chief requires that particular attention be paid to the town magazines; that they are fully provided with ammunition, military stores, and utensils, as the law directs; and the brigade quartermasters are required to perform their duty with promptitude and exactness.

In such divisions as have not completed the detachment of ten thousand men, called for by the general orders of the 25th day of April last, the major generals, or commanding officers of those divisions, are enjoined to attend to that service without delay, and to make and complete the detachments from their respective corps, of the several quotas of the said ten thousand men, and to make return of the same, as speedily as may be, to the adjutant general: the said generals, and other officers, will take care that the militia so detached are duly provided with efficient arms and accoutrements necessary for actual service. The militia detached by the orders above alluded to, after they are formed conformably to said orders, will hold them-

selves in readiness to march, on the shortest notice, pursuant to the orders to be given by the commander-in-chief, unless in case of actual invasion, or imminent danger thereof; in which case, without waiting for such orders, they will march without delay, to the defence of any part or parts of this commonwealth that shall be so invaded, or in imminent danger of invasion: and when in the actual service of the United States, will be under the command of the president, agreeably to the constitution of the United States.

And whereas the quota of ten thousand militia, required aforesaid, being to be raised from the several divisions and corps throughout the commonwealth, cannot be assembled in time to repel a sudden invasion; and to embody them previously, and keep them in constant service would be extremely burdensome, and even if assembled would not be adequate to the defence of the numerous points of a coast of several hundred miles in extent; the commander-in-chief further orders and directs that the generals, and other officers of the whole militia of the commonwealth, bearing in mind the possibility of a sudden invasion, hold themselves, and the corps of militia under their respective commands, in constant readiness to assemble, and march to the defence of any part or parts of the commonwealth, pursuant to the orders to be given by him; but without waiting for such orders, in case of actual invasion, or such imminent danger thereof as will not admit of delay.

(A general order of the tenor of the above issued in July, 1814, and differing only in some of its details.)

*See page 428.* Governors of the commonwealth after the adoption of the state constitution, in 1780, to 1820.

John Hancock, James Bowdoin, Samuel Adams, Increase Sumner, Caleb Strong, James Sullivan, Christopher Gore, Elbridge Gerry, John Brooks.

Chief Justices of the Supreme Judicial Court, for the same period, viz:

William Cushing, Nathaniel P. Sargent, Francis Dana, Theophilus Parsons, Samuel Sewall, Isaac Parker.

Senators in Congress, from 1789 to 1820:

Caleb Strong, Tristram Dalton, George Cabot, Benjamin

Goodhue, Theodore Sedgwick, Samuel Dexter, Jonathan Mason, Joseph B. Varnum, John Q. Adams, Timothy Pickering, Dwight Foster, Eli Ashmun, James Lloyd, Christopher Gore, Harrison G. Otis, Prentiss Mellen.

THE END.







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